HOUSE OF ASSEMBLY

Thursday, November 6, 1975

The SPEAKER (Hon. E. Connelly) took the Chair at 2 p.m. and read prayers.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard.*

STRATHALBYN ROAD

In reply to Mr. WOTTON (October 16).

The Hon. G. T. VIRGO: The unsealed portion (about 9 kilometres in length) of the road between Strathalbyn and Ashbourne is under the care, control and management of the District Councils of Strathalbyn and Meadows. Assisted by grants, the councils maintain this portion in a reasonable condition, and the average motorist, exercising due care, would not find it in an "extremely dangerous condition". Significant improvement to the road could be achieved only by total reconstruction, including some realignment and sealing. Bearing in mind the shortage of funds for this type of work and the claims of other roads considered to have a higher priority. I point out it does not appear possible to carry out any major improvements to this road for some years.

LOAN ESTIMATES

In reply to Mr. RUSSACK (October 7).

The Hon. D. A. DUNSTAN: It has not been possible to compile a comprehensive list of works originally intended to be financed through the Loan Estimates this year but which may now be deferred. However, the following information has been obtained in respect of the two particular areas of effluent drainage and school buildings to which the question referred. It was intended that Loan funds of $2 300 000 would be available for common effluent drainage works. However, owing to the need to divert capital funds to housing, for which commitments had been made and for which the special housing agreement allocation to the State was inadequate, the Government was forced to review other capital programmes. One area in which it appeared that some deferment of projects would be practicable was that of effluent drainage, and a sum of $1 000 000 was transferred to housing purposes. The funds remaining available for effluent drainage works will be sufficient to meet the cost of those schemes which had been commenced previously and to cover likely increases in costs. It is possible that, later in the financial year, there may be sufficient funds to permit other works to be commenced. A review will be made later to ascertain whether this will be possible. Accordingly, councils which were on the priority list for works in 1975-76 (a priority list prepared by the Public Health Department) have been advised that funds are not available to permit subsidies to be granted at this stage, but that a review will be made later in the year to ascertain whether works could commence towards the latter part of this financial year. The relative priority of the corporation of Kadina will be considered in that review. The school-building programme is continually reviewed by the Education and Public Buildings Departments and in the review account is taken of available funds, both Australian and State Government. The following projects have been delayed for the periods indicated:

Project	Delay
Camden Primary—Stage I	three months
Port Noarlunga Primary—civil works	five months
Seacliff Primary—civil works	four months
Strathalbyn Primary—additions	three months
Two Wells Primary—replacement	five months
Karcultaby Area	six months
Augusta Park High—additions	six months
Burra High and Primary	two months
Kadina High—additions	two months
Salisbury East High—additions	two months

There has also been a reduction in the provision of emergency classrooms and planned minor alterations and additions for the 1975-76 financial year.

JUVENILE ABSCONDERS

Dr. TONKIN: Will the Minister of Community Welfare say what are the full details of the latest breakout from the McNally Training Centre, including the number of inmates who escaped, how many had escaped previously, how long they were at large, what damage was caused to Government, public or private property, and how many members of the Police Force have been involved in their apprehension?

The Hon. R. G. PAYNE: As I understood the Leader's question, it concerned details relating to the latest breakout.

Dr. Tonkin: That is right.

The Hon. R. G. PAYNE: The first point that I should like to make before replying is that I am pleased that this time the Leader has been able to get some information that is nearly correct, rather than going off half-cocked as he did recently when he said that people were walking out of the centre with "absurd ease", or words to that effect. Now he is at least using the word "breakout", which is the correct term, so I thank him for that. Most of the details that the Leader has requested are available in the press. The information that I have at this stage, on a preliminary basis only, is that, at the time I entered the House today, of the 12 boys concerned, five had been returned, four in one lot and one a short time afterwards. Apart from that information, I do not think any further information is needed in reply to the Leader's question. I have already given him the required information. To give any further details off the cuff, I do not believe would be what the Leader honestly expected in a reply.

Mr. Goldsworthy: You haven't answered the question.

The Hon. R. G. PAYNE: I am sure that, when the junior member who is trying to do the Leader's job has been in the House a little longer, he will understand that some matters take longer than others to consider. I undertake for the Leader to obtain the other information required.

Mr. GOLDSWORTHY: Can the Premier say whether, if the Government still persists in its attitude of refusing to initiate an inquiry into the abscondings from the McNally Training Centre and their causes, it will, as a matter of urgency, adopt the policy promoted by the Opposition in the last Parliament of providing compensation for people suffering damage to property at the hands of absconders?

The Hon. D. A. DUNSTAN: No decision about this matter has yet been made.

SOCIAL WORKERS

Mr. SLATER: Can the Minister of Community Welfare say whether his department's attempt to recruit trained social and residential care workers in the United Kingdom is making any progress? I understand a shortage of trained social workers exists, and the department some

time ago announced that it was sending officers overseas on a recruiting mission to try to obtain candidates for positions in the department.

The Hon. R. G. PAYNE: I am pleased to be able to say that not "officers" but an officer (Miss Joy Noble) was sent overseas for this purpose. Miss Noble, whose activities in the southern region would be known to members opposite, was sent overseas to try to obtain suitable candidates mainly for residential care and social work in the department. Members are possibly aware of the considerable shortage throughout Australia of trained workers in this field. It was after considerable unsuccessful advertising had occurred that she was sent overseas. I am pleased to be able to tell the House that, in the short time she has been overseas, Joy Noble has already arranged for 19 offers to be made, four of which have been accepted so far; another application has been withdrawn, but, as there is a total of 60 applicants, with some luck we should be able to recruit additional residential care workers whose services the department will be pleased to obtain.

SAFETY HELMETS

Mr. LANGLEY: Can the Minister of Transport say whether there has been an influx of inferior quality safety helmets on to the South Australian market from the Eastern States? Recently the Minister stated in reply to a question that he intended writing to the Australian Minister about this matter, because he considered that these helmets were a menace to the people wearing them. It is reported in today's paper that, because another State has taken action in this matter, there could be an influx of these helmets into South Australia.

The Hon. G. T. VIRGO: A few weeks ago I reported to the House that I had written to the Australian Minister for Science and Consumer Affairs (Mr. Clyde Cameron) asking him to consider this problem and whether he was willing to take action under the Trade Practices Act to promulgate a regulation to outlaw the sale of helmets that do not conform to the standards laid down. I have not yet had a reply to that letter. The weakness that exists in this State is that it is illegal to wear a helmet that does not conform to the necessary standards, but that motor cyclists and pillion passengers are required to wear helmets; in other words, the responsibility is thrust on the user who can be, and regrettably often is, conned by organisations wishing to sell their stocks of substandard helmets. The Commonwealth Minister was approached in order to try to shut off that avenue for those people who are trying to make a quick dollar out of motor cyclists. I will again approach that Minister to see whether he can expedite consideration of this request.

ATTORNEY-GENERAL

Mr. BOUNDY: Will the Premier say what action the Government intends to take, in view of the assertion by the Australian Broadcasting Commission that the report which it published of the Attorney-General's remarks in addressing a meeting in Sydney during the weekend of October 25 and 26 was an accurate one? Last week, the Attorney-General was the subject of discussion regarding this matter; he said that the reports of his statements by the A.B.C. in Sydney were inaccurate. Following that statement, the A.B.C. issued a further statement verifying the accuracy of its reporting and, as the statement of the Attorney-General and the A.B.C. appear to be irreconcilable, what action will the Premier and the Government take to clarify the matter so that everyone knows who is telling the truth?

The Hon. D. A. DUNSTAN: This matter has already been fully discussed. There is no further action that the Government can take.

MOTION FOR ADJOURNMENT: JUVENILE ABSCONDERS

The SPEAKER: I have received from the honourable Leader of the Opposition the following letter:

I desire to inform you that this day I will move that this House at its rising adjourn until 1 p.m. tomorrow for the purpose of discussing a matter of urgency, namely, that an open inquiry into the treatment of young offenders, and the protection of the public from the actions of absconders from juvenile institutions, is urgently necessary in the public interest.

I call on those members who support the motion to rise in their place.

Several members having risen:

Dr. TONKIN (Leader of the Opposition): I move:

That the House at its rising adjourn until 1 p.m. tomorrow,

for the purpose of discussing a matter of urgency, namely, that an open inquiry into the treatment of young offenders, and the protection of the public from the actions of absconders from juvenile institutions, is urgently necessary in the public interest.

This is, I believe, a matter of some urgency, and certainly a matter of grave concern. I make clear at the outset that I had much to do with the formulation of policy and the setting up of the system as it now applies in South Australia. I firmly believe that the setting up of juvenile aid panels and the other relevant provisions have been of great benefit to the treatment of young offenders in this State. The setting up of juvenile aid panels to deal with first offenders has removed these people from the scope of the Juvenile Court, and I believe this is very necessary indeed.

Nothing that has occurred in South Australia has in any way contradicted the opinion, which was formed by competent bodies overseas, that about 60 per cent of all first offenders, once warned, do not offend again. I strongly subscribe to the theory that those people should not be brought before the Juvenile Court should be dealt with by juvenile aid panels. Although we did not break new ground in this respect at the time we introduced the juvenile aid panel system, by linking that with the other provisions for the treatment of juvenile offenders we have set an example that the rest of the world can well follow; indeed, I believe it is doing so. First, offenders do not generally offend again, because their actions, as actions against society, are brought home to them. They then come to a realisation of their responsibilities towards the community. Those young people who offend again, as a general rule do so because of some quite severe emotional problem—problems of identity, or of relating to their surroundings, their school, or their parents. By offending, they seek to gain the attention that they so desperately need from their parents, or from society generally. They use shock tactics. They offend against society knowing that they will shock their parents and society and will thus get the attention that they are not otherwise getting from their parents or from the family situation.

Thus, those young people who shoplift consistently, or joyride and offend regularly, are people crying for help. This, of course, has been well known for many years. These second and third offenders—the recidivists—are the young people who need expert help and assessment. As

the Minister pointed out in answering a question, I think on Tuesday last, they need a detailed assessment of their relationships with their family, school, and the community generally, and this can require the services of social workers, psychologists, psychiatrists, teachers, and vocational guidance officers, many people in the community.

This assessment is absolutely essential if the Juvenile Court is to come to a real and valuable decision about what will be in the best interests of a child. Generally, that assessment is available to the Juvenile Court. An assessment report is prepared by officers of the Community Welfare Department, and I would like to pay tribute to the work that those officers do. Working with enormous case loads and under tremendous difficulties, those people nevertheless manage to produce assessments for the Juvenile Court that enormously help the judges in coming to their conclusions. It would be improper of me if I did not mention my regard for the work of the judges of the Juvenile Court: they do an extremely fine job, and I think we are very lucky in South Australia to have them. They decide what should be done in the best interests of each young offender. Their options vary; they can order further treatment as an outpatient, attendance at day centres, further treatment by a psychologist (or, in extreme cases, by a psychiatrist), or, in even more extreme cases, detention in rehabilitation instances such as McNally or Vaughan House.

Whether we like it or not, some young offenders need to be confined in a closed environment for a time. There is a need to protect society from the actions of young offenders, because the treatment necessary is likely to take a considerable time. For the young offender (and I remind members that we are talking about recidivists), in many cases it is a gradual and slow business to re-adjust and come to a realisation of his responsibility to the community, thus ultimately getting to a stage where he can return to the community and become a useful member of it. The essential factors are these: he must develop a realisation and an acceptance of his potential role and place in the community, and he must develop a motivation and a desire to re-enter the community, and to become part of it. These factors of understanding the role and having a motivation to accept the role are developed at different stages in different individuals. This is the fact of life which, apparently, is not given due weight at present. Some young people come to this realisation early; some come to it later. It takes time.

There is an infinite range and variation in the time that young people can take before they can take their place in the community again. Unfortunately, a few young offenders never develop that motivation or come to that realisation. For many years I have said that it is a damning indictment on our society that this should be so, but unfortunately it appears to be inevitable with a few people at present. The basis of the present system (a system of which I believe we can be justly proud) is the giving of graduated responsibility to young people consistent with their ability to respond to it. This ability to respond can be determined only by continuous and individual assessment by highly trained professionals. This is no criticism of the people who work at McNally or who work in the department generally, but I believe that far too much is being asked of those people by the department at this stage. I have already mentioned the excessive work loads and case loads that they all carry (and they carry them gladly), but I think the system is demanding too much of them—more than we can expect them to give,

In any system of the treatment of young offenders, such as the one which we are using, it is inevitable that some abscondings will occur. No-one, no matter how skilled or experienced, can be perfectly accurate in any assessment, but it appears from the high level of abscondings that, before they are really ready to face the responsibility, young people are being placed in a more open environment from which they can more easily abscond. In other words, it appears quite evident that the present assessment facilities and the results obtained are not adequate. Society has a right to be protected, just as young people have a right to rehabilitation, and the two must balance each other. I believe that adequate assessment will largely provide the maximum possible protection to the public and do the maximum possible good for young offenders. Young people should, as far as possible, not be put in a position of being able to abscond easily until they are unlikely to abscond. That is a paradox, but it is the factor that makes this whole business of assessment and of dealing with juvenile offenders so difficult.

As has been mentioned already this afternoon, the Opposition moved during the last Parliament that compensation should be available for the damage caused to property by absconders from institutions, and I believe that that is still a desirable provision. I think it should be brought in if we as a society are willing to adopt what I believe is an enlightened outlook towards the treatment of young offenders. Where abscondings may occur, I believe that the Government and our society should be prepared to recompense those members of the society who suffer property damage as a result of an understandable error of judgment. The community has a right to protection and to live without fear of disturbance, especially that community surrounding McNally.

Basically, society has a right not only to protection but also to an understanding of the methods used at present to treat young offenders and to be reassured publicly that these methods are the best possible available. I am proud of South Australia and the lead it has taken, and I still fully support the legislation; I was involved closely with that background work. However, I am most unhappy about the public image that method of treatment now enjoys. It is coming into disrepute and, because of that, all the excellent features of this system are coming into disrepute also. That is something we do not want. In juvenile courts overseas South Australia had a reputation as having set up the first juvenile court in the world, and of having an enlightened outlook in the treatment of young offenders. I believe that this legislation that we are currently working under will be effective, but I have always said that assessment of the young offender and his needs is the key to the whole system.

The Minister, I believe, has agreed to this, but it is apparent from the number of abscondings occurring at present that, somewhere, the present system and practice are inadequate. As a community of concern is being built up by the unfortunate number of abscondings occurring at present, I believe there is a real risk that public acceptance of the present system will evaporate. It does no good to sit on Juvenile Court reports or keep under wraps the operations of McNally or any other institution that is treating young offenders, because I believe that the public has a right to know about these matters. I am confident that, if people were to know what was happening and the reason why it was happening, they would come to an acceptance of the scheme as it is.

It is only when the facts are kept from people that they tend to become over-imaginative, emotional and to

show real fear. I submit that, in the present circumstances, people have every right to do that, because they are in risk of property and, indeed, on occasions, of life. The nature of the inquiry to which I have referred does not matter very much. I have said that I should like a judicial inquiry, whatever its nature. This is a most serious matter and should be treated that way. The inquiry should be open and its results should be made available to the public (that is the whole point of the exercise, if there are problems that should be ventilated). It is most important that there should be a general public understanding of what is going on. As I have said, if this matter is not made public, we must accept that people will make up their own minds, and the conclusion to which they will come will almost certainly be misguided. Public support for this very fine scheme that we have initialed in South Australia will, I believe, evaporate if there is no inquiry into the present absconds and no public reassurance that the overall scheme is working well. To stop public acceptance evaporating, an inquiry is essential and urgent.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The Government does not intend to conduct an inquiry. I have listened carefully to what the Leader has urged this afternoon and I cannot find any basis for the suggestion he has made from what he has said. The Leader began by paying a tribute to himself and then to several other people on the subject of the juvenile treatment provisions in South Australia, and he pointed out that these are generally agreed to be in advance of those elsewhere. I tried then to find out what it was he sought to establish by means of an open inquiry. First, he said that there were inadequate assessment facilities, but he did not take that up in any way. He alleged no facts that would justify such a statement. He said that the people concerned had been placed in too open a situation, but he did not elaborate on that. That seems to be on the level of the statement he made yesterday about people walking out with ease, and the kind of nonsense that appears in the *News* editorial today, in which a gentleman, in typically pejorative terms, says, "With absurd ease, another dozen absconders last night strolled out of the McNally Training Centre."

In fact, the way in which they got out was that a group of them used some beds as battering rams to break down a door—a useful means of strolling! It is the case that McNally does not have its beds bolted to the floor. At the time Parliament examined the provisions of the McNally Training Centre, it was not thought that that was wise. So, it is possible to lift the beds up, and in certain circumstances to break through a doorway, and that is what has occurred. The fact is that security provisions at McNally have been increased.

Mr. Mathwin: We can hear this.

The Hon. D. A. DUNSTAN: If the honourable member does not want to listen, I will lower my voice. On other occasions, members opposite complain that they cannot hear me.

Members interjecting:

The SPEAKER: Order! I remind honourable members that this is a limited debate. If they keep interjecting, they will stifle the whole purpose of the debate that their Leader has led.

The Hon. D. A. DUNSTAN: The fact is that members opposite perhaps do not realise (although there has been information available for them to know it) that in the past five years there has been a reduction in the number of youths in training centres and an increase in the variety of treatment resources, and those increases in treatment resources place South Australia well ahead of other States and, indeed, place the State favourably by world standards.

Each of the juvenile institutions is receiving a small minority of offenders, and those who are received in the training institutions are those who have the most difficult problems and need the most sophisticated help. There has been a reduction of 60 per cent in the number of youths in training centres, and, even with the closing of Windana Remand Home, the number of youths at McNally, including those on remand, is 50 per cent less than it was five years ago. There has been an upgrading of residential care staff in both salaries and education, and constant staff development is part of the process of improvement.

The buildings are not built as gaols. They are buildings for treatment and training, and obviously it is extremely difficult to treat disturbed youths if we are to maintain them in a maximum security prison. There is a maximum security area at Magill. It is used for only the most incorrigible and difficult offenders, but even that has been broken out of on occasion. If, in fact, we are to treat them effectively and provide conditions under which they can be assessed, we must make provisions such as we have at Magill at present. There are marked security provisions there, but it is not impossible for people in a whole group physically to break out of the place. It was not impossible under the old system.

Members may not recall what the Magill Reformatory, as it was known, was like, but if they did know the old building and the security provisions within it, they would also know that, while considerable security provisions were then made, youths used to break out by jumping out of the windows on the top floor. Abscondings from institutions of this kind are not new. The Leader actually did not say anything else as to any facts that might be established in relation to this matter. He did not say that a judicial inquiry would establish new policies. Indeed, he praised the present policies and claimed some credit for them. He did not suggest new things to be established as far as the public was concerned.

The most that he argued was that we should set up some kind of open inquiry, be it a Royal Commission or something of that kind, in order to reassure the public that the programme was all right. The Government does not propose to go through an open inquiry as a public relations exercise, but the Leader has urged that it should be that. He said that the public needed reassurance as to the programme. He praised the programme and said that we should have a public inquiry to establish confidence on the part of the public in what was being done.

Dr. Tonkin: The basis of it—

The Hon. D. A. DUNSTAN: The Leader says that the basis of it is all right. He has not said any single thing that is wrong with it. He has not put forward one allegation of something being wrong that has to be met or proved in a public inquiry.

Dr. Tonkin: You weren't listening.

The Hon. D. A. DUNSTAN: I listened very carefully and took down whatever I could of what the Leader alleged. He has been out of the House since I began quoting what he said.

Dr. Tonkin: That's wrong.

The Hon. D. A. DUNSTAN: I listened carefully to what he urged. The Leader did not say that there was, in fact, something wrong, other than that there were

inadequate assessment facilities, and he did not break that up, or say that they were placed in too open a situation.

Dr. Tonkin: You tell us why there are so many abscondings.

The Hon. D. A. DUNSTAN: The Leader just has not been listening. Obviously, he has not listened to what I have said already, and I do not intend to repeat it for him. The responsibility in a remand centre (and some of those who have absconded were on remand) is that the youth should not be regarded as guilty before the court hearing takes place, and to provide proper care in that situation, with sound security, is most difficult. It is something that people need to work in to really understand. Obviously, the Leader does not understand it. I point out to him that, before people were sent to McNally Training Centre on remand, they were at Windana Remand Home, and at times there were breakings out and abscondings from there. It is inevitable that that occurs.

Dr. Tonkin: I said that.

The Hon. D. A. DUNSTAN: I know that the Leader said it. Then, what is left of his allegation that something can be shown upon a public inquiry?

Dr. Tonkin: Because you're not getting the assessments.

The Hon. D. A. DUNSTAN: We have assessment facilities at McNally, but they take time to operate. We cannot assess a disturbed youth in a short term, nor can we adequately assess him in a maximum security situation. If the Leader is paying any attention to the information that I am sure has been placed before him when he has been a member of the Social Welfare Advisory Council, he will know perfectly well that, if we put a youth in the kind of maximum security institution that exists in the maximum security area at Magill, we could not possibly expect that there was an accurate assessment of him.

Dr. Tonkin: So, perhaps we had better inquire into some other—

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: If the Leader proposes another way of doing it, perhaps he will allege it, but I do not intend to set up a public inquiry when the Leader has no proposition whatever to put before it. I do not believe that there are alternatives. If the Leader believes that there are, perhaps he will tell us what they are, but I am not just going to set up a public inquiry to go on a fishing expedition when the Leader does not have anything to put before such a public inquiry.

What will be achieved from an inquiry when there is nothing to inquire into? The Leader has not put forward anything this afternoon that he would put before a public inquiry. He does not have a proposal: he does not have a fact that is not known. What does an inquiry do? It spends public money. That is what the Leader wants us to do, and until I can see some good purpose in doing it I will not spend public money unnecessarily.

Mr. GOLDSWORTHY (Kavel): I listened with care to what the Premier said, and the first and only point really germane to the argument was that he believed there was no basis for an inquiry. He then saw fit to give the press a blast, stating that it had gone in for much exaggeration. We seem to be getting that tack more and more frequently in the past week or two, as the activities of the Government and some departments come under scrutiny. We got it again today. The Premier suggested that the absconders had got out by bashing down a door. There was nothing wrong with the security at McNally: the beds were not bolted to the floor, but no-one seems to have been within earshot of all this. It must have been a fairly noisy sort of procedure. Anyway, the boys bashed down the door with a bed. The Premier has left the Chamber, but be that as it may. In reply, the Premier said that the boys got out because the beds were not bolted down. What sort of lame excuse is that to justify security in the place? The next point the Premier made in saying that there was no basis for an inquiry was that there were fewer boys in McNally now than there were previously. I would like to see figures relating to abscondings that have taken place and the damage caused as a result of those abscondings. Perhaps the Minister of Community Welfare will give us that detail.

The Premier then said he was unwilling to spend public money on an inquiry. That is about the most hypocritical sort of statement I have heard from the Premier in many a long day. When a schoolgirl was suspended on the best of grounds from a school in this State, the Government had no hesitation in setting up a Royal Commission to investigate her suspension.

Mr. Chapman: That was done to get his Minister off the hook.

Mr. GOLDSWORTHY: The Government did not have the guts to make a decision when it was tied up with a former union official, a parent who was stirring and who had been tied up with the Labor Party. When the Government thought it could embarrass the Leader of the Opposition, because it believed the information he had about land acquisition at Monarto was incorrect, it had no hesitation in setting up a Royal Commission to look into that question. That inquiry went bad on the Government, too. The Government does not mind spending public money when it believes it can make a political point. The Government fell over backwards on both those occasions. There are facts for an inquiry, and I will state them. First, the public is genuinely alarmed and concerned about the number of abscondings from these institutions. Secondly, other people are concerned. I am referring not just to the general public but to people concerned with the operation of the luvenile Court in its dealings with juvenile offenders.

The Hon. Peter Duncan: Who are they?

Mr. GOLDSWORTHY: Let me refer the Attorney to questions I have asked in this place of the Premier when he was acting as the Attorney-General and, about two weeks ago, of the new Attorney-General. He resorted to abuse of me in most of his replies. In fact, Mr. Stuart recently—

The Hon. Peter Duncan: Mr. Stuart is not involved in the jurisdiction of the Juvenile Court, and you know it. You said he was involved in the jurisdiction of the Juvenile Court.

Dr. Tonkin: Tricky!

Mr. GOLDSWORTHY: If the Attorney wants me to withdraw that statement, let me say that he is involved in the jurisdiction of the courts and is intimately connected with the operation of the law in this State. He is not the first person to say something about this matter. Previously, I quoted his words to the House, and I will do so again. Mr. Stuart said:

> The Adelaide Juvenile Court was clearly subservient to the Department for Community Welfare . . . two judges recently expressed concern at the low esteem, judicially speaking, in which juvenile courts were held. The court was clearly subservient to the department. It implemented departmental recommendations, and its opportunities of choice were limited and self-evident.

Mr. Stuart then went on to say that the system was "fraught with at least three appalling disadvantages. The first principally concerned the rights of the community, and the other two the rights of the offender". They are not my words, but in reply, the Attorney would seem to impute those words. He went in for the sort of twisting and exaggeration to which Ministers resort. Yesterday we heard from the Minister of Community Welfare that the sort of proposition that the Opposition was advocating meant the use of machine guns, or some sort of nonsense, to try and stop people from getting out of these institutions. It is a common—

The Hon. R. G. Payne: What do you advocate?

Mr. GOLDSWORTHY: We are advocating an inquiry. It is a cheap and common political ploy to take the genuine concern of people in the community and exaggerate it to try to make them look ridiculous. The Premier this afternoon has tried to make the press look ridiculous. If ever there were facts that justified an inquiry, those facts are before us. The disquiet of the public is a fact that cannot be denied; the disquiet of many people involved in the Judiciary and in the operations of the courts is evident; and the damage to property is also a fact. I know people who have had property damaged by absconders from institutions; their cars have been written off as a result of having been stolen by people who have broken out of institutions. If the Premier is looking for facts, these are facts. Does he not believe that these facts justify some sort of inquiry?

It is all very well to say, "You should know the answers." If we knew the answers we would not need an inquiry. The facts are there for anyone to see. If the Premier does not believe the public is concerned and that the media has a right to reflect this concern, he is getting more and more out of touch with reality. The numbers of abscondings from McNally Training Centre are recorded, and they show a disturbing trend. The numbers of abscondings month by month for 1974 are as follows: July, 13; August, 14; September, 10; October, 10; November, 13; December, 12. For 1975, they are as follows: January, 5; February, 7; March, 12; April, 2; May, 7; June, 11; July, 13; and August, 4. For Brookway Park the month by month abscondings for 1974 were: July, 19; August 16; September, 14; October, 7; November, 17; and December, 4. If those figures do not cause the Government some concern, it seems to me its priorities are back to front.

I repeat that the facts are there for an inquiry; the facts are undeniable. People in the community are concerned about the situation; they are concerned about suffering loss. Today, the Premier showed a slight change of heart about this matter. When the Opposition suggested that some form of compensation should be paid to people who have suffered loss as a result of people breaking out of custody when they should be under the care of the Government (a matter that was rejected out of hand previously by the Premier), the Premier, in his reply to the Leader today, said that no decision has been made. That indicates a change of heart, and it seems as though the matter is now open, whereas previously the Government would not even consider the idea. I submit that evident and substantial grounds exist among people concerned with the operation of South Australian courts and the system for an inquiry. I have contact with headmasters of metropolitan high schools. A couple of days ago I was invited to talk at a school on a speech night. The headmaster of that school raised this matter with me. Headmasters in other schools in the metropolitan area are also aware of the problem; they are also aware of the added responsibilities and tasks they have to discharge when students are sent back to them from institutions and they have to try to come to terms with them. That task is becoming infinitely more difficult.

I believe the grounds for an inquiry exist but that the Government is afraid of what such inquiry might turn up. I can see no other justification for rejecting an inquiry. It is a completely hollow sham for the Premier to say that the Government will not waste public money on an inquiry. After all, the Government has wasted hundreds of thousands of dollars of public money on inquiries for political purposes. I support the motion.

The Hon. R. G. PAYNE (Minister of Community Welfare): The Deputy Leader has said that the Government is afraid of an inquiry. I refute that straight away.

Mr. Gunn: Then hold an inquiry!

The Hon. R. G. PAYNE: The Government is not at all afraid of an inquiry into this matter. What the Government does not want to do is waste money on a useless inquiry that would ascertain nothing that is not already known. The Leader, in moving his motion, outlined a system of treatment of young offenders. He mentioned his own association, as a member of the Social Welfare Advisory Committee, with that system. He said that he personally advocated that system; he has told us that it was a good system. He said that it was in use in South Australia and that it ought to be in use elsewhere in the world where it was not. This is what he thought of a system which, in the same breath, he said we ought to inquire into.

Dr. Tonkin: No, inquire into the administration of it.

The Hon. R. G. PAYNE: It is no good trying a second choice. That is what the Leader is doing. He told us (and I timed him) for more than seven minutes that we had an excellent system of treatment of young offenders in South Australia of which the Government could be proud and of which he personally was proud, and I give him full credit for that. He recognised that we had a good system, and he deserved credit for the part he played in seeing that South Australia has got this system. He was one of those who recommended it to this House. He was one of those who recommended it in the report. During the debates on the matter he came out strongly in favour of such a system—this same system that today he says we ought to inquire into, all in the same minute. He switches from one side to the other. He says, "It is a jolly good system. I was very clever to be involved in it," and he was; let us face it. I am not being critical in any way, but I point out that he reminded us of that.

He showed us that he was proud of being one who has helped to instigate it, yet at the same time, for a purpose (and that is what I am leading up to), he said that we ought to have an open inquiry into it. Why did he do that? It was for no reason other than politicking, and it does him little credit. I said this to the Leader only two days ago when he asked a question about this matter (this sensitive area of human affairs, of human relationships): he is very well aware of how sensitive it is. I can think of some remarks he made in the debates earlier when the matter was going through the House. He is a perceptive man, and he knows how sensitive this area is. Yet, for the purposes of politics (and I can only conjecture what real gain he thinks he will get out of such a move), he has tried to make something out of it on a political basis. I suppose (and I will not go far from my point) that

some events with which his Party is concerned elsewhere are not going too well, and perhaps he is trying to be a loyal State member of the whole show, and saying, "Well, don't worry, Malcolm, I will see whether I can draw a bit of the heat over to South Australia by raising this matter." I can only conjecture this: I am not saying that is absolutely certain, but it certainly seems strange that, on an issue on which the Leader has demonstrated personal integrity and performance that show that his feelings on this matter are so close to the Government—that young offenders should be treated in this way—he allows himself to be prostituted for the purposes of politics. That does him little credit, and I regret having to say this.

I have already gone on record in these remarks as saying that I think he deserves due credit for the part he played in evolving the system and advocating its use, and until now he has been recognising that it is a good system (the best perhaps that we have been able to come up with so far) and has been pointing out it should be in use elsewhere. Then, suddenly, sadly, he has descended from that level of decency that he has previously maintained and has tried to make a cheap political point out of the misfortune of some of the young people in our society. That is all it comes down to.

The Hon. G. R. Broomhill: He might be worried about the L.M.

The Hon. R. G. PAYNE: I have conjectured about one reason why he might have acted in that way. I leave members to arrive at their own conclusions. So, the Leader advocated an open inquiry into the very system which he supported and to which he has given virtually his whole heart, until now. In all of his remarks up to about the seven-minute or eight-minute point, there was little that anyone on the Government side could find fault with. As I briefly outlined, he showed his connection with the system, saying how he had advocated it, and what a good system it was. Then he said a most peculiar thing: "Young people should not be put in a position to abscond, until they are ready not to abscond." How on earth can one determine when they are ready not to abscond? That is where he and I part company.

The whole system of treatment is based on assessing the offenders as individuals, not as apples or potatoes. They are not just whacked in somewhere and graded and belted out at so much a kilogram. We are dealing with human beings. In order to get anywhere with them, a proper assessment has to be made. Patience is involved, as also is dedication by the residential care workers: a high degree of dedication and commitment are involved. Skills and perception are needed, because people are not easily catalogued or categorised into simple groups. I apologise for saying the obvious, but apparently it needs to be restated on occasions even in this place, where we deal with matters affecting people all the time, that people are not the same and do not inhabit a narrow group of categories.

Mr. Dean Brown: Don't you think the surrounding residents have some rights?

The Hon. R. G. PAYNE: The honourable member has raised the question of the surrounding residents, and I presume he means the residents living near the McNally Training Centre. I suppose one could say that the residents living near Yatala, Adelaide Gaol, or all sorts of places have certain rights. I do not quarrel with that whatsoever: of course they have their rights.

Mr. Dean Brown: But when you get juveniles breaking into your house three or four times—

The Hon. R. G. PAYNE: When that happens, the best thing to do is to call the police. I would do so.

Mr. Evans: What about insurance?

The SPEAKER: Order!

Mr. Dean Brown: I am saying—

The SPEAKER: Honourable members will have an opportunity to speak if they allow the honourable Minister to finish his address.

The Hon. R. G. PAYNE: Even at the beginning of my speech I was addressing most of my remarks to the Leader, who was the most plausible member opposite, although not necessarily the one to be relied on the most. He did not, even in the beginning, make a point in support of the motion. The motion says that it is urgently necessary in the public interest, yet his earliest words were that it was a matter of some urgency. How much urgency? I think he demonstrated as he went on that it was so urgent that for about eight minutes of his allotted time he did not make any point about urgency, but just went along in the manner I have outlined, saying what a good scheme it was, and so on. The rest of his remarks do not bear any reference—

Dr. Tonkin: But you have spent a long time on them.

The Hon. R. G. PAYNE: The Deputy Leader needs only one mention from me, namely, that I can only say that he displayed his abysmal ignorance of the situation in training centres such as McNally when he asked where were the people and whether they did not make some noise when they were battering down the door, as though all one has to do is say, "Don't go, boys." I know what he is advocating, but we are talking about disturbed young people who will not necessarily listen to reason. He was trying to introduce a note that did him little credit, and I hope that speakers who follow will not display such an ignorance of the subject.

These people are disturbed young people, and that is one of the reasons why they are there. It is the job of the residential care staff to try to rehabilitate them. It is their job to try to assess their needs and to work out a programme that can be of assistance to them. The whole point is that this cannot be done in a locked cell. It does not work in a locked cell, and the Leader knows it: he has said so. That is why he advocated the system we are using. He did not say, "Let us use that system, but do it behind a great stockade." He said, "This is the method to use." I will not quote him here, but I distinctly recall during debates in the early 1970's in this House that he was saying things like, "It will not be easy. There will be slip-ups, and there will be occasions when people will abscond."

Dr. Tonkin: If you had been listening, I said it today.

The Hon. R. G. PAYNE: The Government has never denied this. What we are asking the people outside and members opposite to do, is try to weigh in the balance what we are setting out to do, that is, salvage young human beings, against the methods we must use and the cost—and I did not hear too much mention of cost from members opposite.

Dr. Tonkin: We don't think it's important.

The Hon. R. G. PAYNE: I know. They cannot talk about costs, because the sorts of thing they apparently envisage involve about four guards to every inmate, and the use of leg irons. They cannot get out of this; they have not put forward one concrete proposal except to say that an inquiry would stop people running away. They have said that all that is needed is an inquiry: they say

it is only necessary to announce it and that might stop the inmates from running away. What a load of rubbish. The matter is too serious for me to digress. As it involves young people's futures, it is too serious for me to try to make a joke, and I will not go further, but what was said was really very poor.

Mr. Dean Brown: There's no need—

Mr. Mathwin: You've been performing like the Premier for the past 10 minutes.

The SPEAKER: Order!

The Hon. R. G. PAYNE: Whenever the honourable member who has just interjected does not know anything, he throws in some ridiculous interjection, and I will outline what he said to show in *Hansard* his utter lack of responsibility in such a matter. He said, "There is no need to run the place like a motel." The honourable member ought to be ashamed of himself, making such a remark in a matter of such seriousness, regarding young people's lives and liberty, as well as the rights of the people outside. We have had quite a bit from them about the rights of the people outside.

Mr. Dean Brown: Don't you know it's referred to as the McNally—

The SPEAKER: Order!

The Hon. R. G. PAYNE: Is the honourable member for Davenport advocating that we go back to the old punitive lock-up methods, and at the end of a determinate sentence disgorge people who have become hardened and bitter, or is he advocating that we ought to persevere? That is what I and the Government are advocating to the public of South Australia—that the material to be rescued is valuable. We are talking about young people and we are asking the Opposition and the people of this State to allow the Government to persevere with this humane, useful, sensible, and partly successful system of treatment. No other system in the world can claim better results. If ever there was need to demonstrate the utter senselessness and futility of introducing a motion like this, I have certainly demonstrated it. I utterly oppose the motion.

Mr. MILLHOUSE (Mitcham): The Liberal Movement supports the motion, and I said as much this morning publicly before I knew it was to be moved in the House this afternoon. It is not a matter of Party politics (or it was not until the debate this afternoon). It becomes Party politics only when the Government will not do what quite obviously should be done and what so many people in the community are asking should be done, that is, that we should know what is going on and why there are so many abscondings from McNally. That is one point. No-one on the Government side can get away from it. The Minister and the Premier have tried their best to talk about other things and ignore that, but one cannot ignore the fact that there are far too many abscondings from McNally. The Premier suggested that the Leader of the Opposition had not said much in his speech this afternoon. I agree with him that the Leader did not say much, because all the facts are being veiled in secrecy at the present time, and we just do not know what the facts are and what has gone wrong.

How on earth can anybody suggest remedies if we do not know the precise situation? All we know are the results of the system—that boys are getting out of McNally, not once but, on my information, more than once. I cannot vouch for this, but I believe one of the kids who got out on Monday night was returned, and got out again last night. How can anybody excuse that happening? It is all very well (and I must say that I was mildly surprised at the tone the Leader took) to say what a wonderful system it is. I am not against the system as such. As a matter of fact, until the Leader spoke I thought it was my idea which I got when I was in America in 1969, after I had put him on the Social Welfare Advisory Council. But whether that is so or not, the fact is that the system has in one part at least broken down; otherwise, there would not be the abscondings. One cannot get away from that fact. However hard the Minister and the Premier try, the fact is that there are more abscondings now compared to the number of boys in the institution than there ever have been.

That is the position, and that is what is wrong. That is what should be put right, and what we want to know about. I do not know of any other way in which we can find out about these things except through an inquiry. I do not blame the Minister for what I will now say: I have had experience of the department and its officers; I respect them, and like them as people, but I know they are always against any sort of publicity about what is going on in their institutions. I know that from my own experience in a bit more than two years as Minister. They do not want to let these things be known. They are perfectly genuine and sincere in believing that it is not in the interests of those who are there that things should be known. I disagree, because I believe the public is entitled to know what is going on in these places, and 1 tried when I was the Minister responsible for this department to live up to that belief.

There are two ways of looking at this: first, there is the question of rehabilitation, and that is what the Premier and the Minister have concentrated on this afternoon. (May I suggest to the Minister he mouthed rather too many platitudes about it?) There is another side to the matter—that the aim of any penalty (and going to McNally is a penalty) is not only rehabilitation; the other aim is deterrence (to deter those who are there from doing it again and to deter others from suffering the same fate).

Always, in all our theories and practices, we must hold a balance between those two, and the fact is that we are not holding the balance properly at the present time. We have gone too far in the way of rehabilitation and reformation (if one likes to use that term). Who suffers from this? The community does. The people see what is happening and they are alarmed about this, and, more than that, actual damage is done to the community by those who get out, because of the faults in the system. I will mention a couple of instances. I have mentioned one here before, and I will never forget it. I make no apology for bringing it up again. It happened a long time ago, and this Government was not in office at the time. A youth escaped from McNally, stole a car, had an accident with a Blackwood man whom I knew very well, and injured him so badly he became a paraplegic and died five years later. That was done by a boy from McNally who absconded, and that is not an isolated case. It is one of the worst examples I have ever known, but it is the sort of thing that can happen any time. Kids get out of there and steal motor cars (and that is what they do, of course, time and time again). That in itself would be sufficient justification for taking some action to alter the system to stop it happening; that is all that I want to see done, and I cannot believe that the Government is happy about the present situation. I cannot see why the Government should not be frank about the matter and say so, unless it really is, contrary to my belief, happy with what is going on now.

That is the whole point of the matter, and I hope that the member for Florey will have an opportunity to speak in this debate and answer this point, if he can. I do not see what answer he can give. The fact is that there are too many abscondings; we had one lot on Monday, and that prompted me to put a Question on Notice on today's Notice Paper. Now we have another lot. We know, from time to time, how many there are, and how can one reconcile the increase in the number of abscondings from McNally with absolute and entire support and apology for the system which is in operation? I do not think one can. If the Minister can do that, good luck to him. I believe people are entitled to know what is going on there and that is why I believe an inquiry is necessary. I did not agree the other day with the setting up of a judicial inquiry put forward by the Leader, but I do believe the only way we can get at the facts, whether they turn out to be right or wrong, is by having a public inquiry.

Mr. WELLS (Florey): I quote an article from the *News* dated January 10, 1969, in which it is reported that Mr. Millhouse, the then Attorney-General, called for a report on escapees. The article stated:

The Attorney-General, Mr. Millhouse, today called on the Acting Director of Social Welfare to submit a report on abscondings from McNally Training Centre during December and January. Mr. Millhouse added, "I have also asked him as a matter of urgency for a recommendation as to the more effective measures to prevent inmates from absconding, if possible, in the future."

Mr. GUNN: I rise on a point of order, Mr. Speaker. I ask whether the honourable member is quoting from a Government docket? If he is, will he table it?

The SPEAKER: He is quoting from a newspaper, which of course cannot be tabled; he is quoting from the *News.*

Mr. WELLS: I do not intend to quote anything further, as apparently the Opposition is finding it a little unpalatable. At that time Mr. Millhouse, as Attorney-General, did not advocate a judicial inquiry.

Mr. GUNN: I rise on a further point of order. I understand the honourable member was quoting from a number of documents which were part of a docket, and the newspaper cutting was part of that docket. Therefore, in accordance with Standing Orders, I ask the honourable member to table the docket. This matter has been raised in this House before, and other members have had to table Government dockets. I recall on one occasion a former Attorney-General being involved.

The SPEAKER: I can only say that the honourable member said that he was quoting from a newspaper. I have no reason to believe he was doing otherwise.

Dr. TONKIN: I rise on a point of order, Mr. Speaker. With every deference, I suggest it would be appropriate for you to ask the honourable member whether or not he was quoting from a newspaper cutting which was part of a docket, even though he is tearing it out now.

The SPEAKER: Order! Was the honourable member for Florey quoting from an official document?

Mr. WELLS: I said that I was quoting from an article in the *News* of January 10, 1969, and that was the article I quoted.

The SPEAKER: That is what I thought I heard the honourable member say.

Mr. WELLS: This motion is obviously a smokescreen in an attempt to embarrass the Minister. What does the Leader require? He has praised profusely the system that was instituted in South Australia, claiming to have been part and parcel of it. Do he and his colleagues require a system of rehabilitation or do they require a penal institution? I believe this motion is simply a further attack on the trade union movement in this State, and it is an open attack on the staff members of McNally Training Centre. If these people are required to look after and secure the custody of disturbed boys at McNally and some of the boys do abscond, obviously the Opposition is saying that they are inefficient and are guilty of neglect of duty.

Mr. EVANS: I rise on a point of order, Mr. Speaker.

At 3.15 *p.m., the bells having been rung*:

The SPEAKER: Call on the business of the day.

ABORIGINAL LANDS TRUST ACT AMENDMENT BILL

The Hon. R. G. PAYNE (Minister of Community Welfare) obtained leave and introduced a Bill for an Act to amend the Aboriginal Lands Trust Act, 1966-1973. Read a first time.

The Hon. R. G. PAYNE: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It is consequential on the enactment of the Community Welfare Act, 1972, which repealed and, to a substantial extent, superseded the Aboriginal Affairs Act, 1962. In consequence, some of the provisions of the Aboriginal Lands Trust Act have become obsolete or anomalous and in need of amendment to render them meaningful for the purpose of bringing out a consolidated version of the last mentioned Act for inclusion in the new edition of the public general Acts.

Section 6 of the Aboriginal Lands Trust Act provides, *inter alia,* that the Governor may, whenever he thinks it fit so to do, appoint additional members of the trust not exceeding nine upon the recommendation of Aborigines Reserve Councils constituted pursuant to regulations under the Aboriginal Affairs Act, 1962. The Act last referred to was repealed by the Community Welfare Act, 1972, under which regulations have been made providing for "Aboriginal councils". The present composition of the trust includes "additional members" who have been appointed by the Governor on the recommendation of certain Aboriginal communities recognised by the department, the members of which ordinarily reside on land owned by the trust, while Aborigines Reserve Councils, as constituted pursuant to regulations under the repealed Aboriginal Affairs Act, 1962, no longer exist. This situation could well lead to doubt as to whether the trust is validly and properly constituted as provided by the Act. There are other references to the repealed Act which need corrective legislation, such as references to persons of Aboriginal blood within the meaning of that Act, such persons now being included in the definition of "Aboriginal" in the Community Welfare Act, 1972.

The amendments made by this Bill are consistent with the provisions of the Community Welfare Act and regulations made thereunder and with existing policies of the Government. The Government hopes that it would be possible for an edition to be published of consolidated South Australian Statutes from 1837 to 1975, and that the anomalous and obsolete provisions of the Aboriginal Lands Trust Act would be dealt with by corrective legislation that would render the Act more meaningful before the cut off date for that edition. This Bill has been

drafted so as to allow the Act to operate under the existing administration and policies and, to enable it to be incorporated in the new edition, it would be necessary for it be passed and in force this year. Clause 2 of the Bill amends section 6 of the Act by amending subsection (1) so as to enable the Governor to appoint additional members of the trust (without a limitation on their number) from persons recommended by Aboriginal councils established pursuant to regulations made under the Community Welfare Act and by such Aboriginal communities as are recognised as such by the Minister and the members of which ordinarily reside on land owned by the trust. The limit on the number of additional members is removed because of a steady increase in the number of Aboriginal communities that would wish to be represented on the trust. The clause also removes from that section the reference to a person of Aboriginal blood within the meaning of the repealed Aboriginal Affairs Act, 1962, substituting in its place a reference to an Aboriginal within the meaning of the Community Welfare Act which defines an Aboriginal as within the meaning of the Community Welfare Act which defines an Aboriginal as including a person of Aboriginal blood.

Clause 3 amends section 9 by way of precaution to ensure that the acts and proceedings of the trust could not be challenged on the ground that a person appointed as an additional member at any time before this Bill becomes law was not properly qualified for such appointment. Clause 4 (*a*), (*b*) and (*d*) merely make amendments to section 16 that are consistent with the earlier clauses. Clause 4 (*c*) strikes out the second proviso to subsection (1) of section 16 as that subsection is now redundant, there now being an Aboriginal council in the North-West Reserve and the first proviso to this section as amended by clause 4 (*b*) would apply to it as to any other Aboriginal reserve within the meaning of the Community Welfare Act. Clause 5 makes a consequential amendment to section 18.

Mr. ALLEN secured the adjournment of the debate.

ACTS INTERPRETATION ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Acts Interpretation Act, 1915-1972. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The remaining Parliamentary sitting days for this year will afford Parliament the only opportunity of considering and dealing with corrective legislation connected with the preparation of the new edition of consolidated South Australian Statutes which is to include all the unrepealed public general Acts from the year 1837 to (and including) the year 1975, and as, on the last sitting day for this year, there would be some Acts which, in consequence of some enactment or the exercise of some statutory power, would still contain references and provisions which have become anomalous, inoperative or inconsistent with changes in the law, this Bill is designed to provide some machinery whereby such anomalous, inoperative and inconsistent references and provisions, which have not been dealt with by Parliament in the time available, could still be rendered meaningful by the exercise of a regulation-making power conferred on the Governor and to be exercised only for the purpose of achieving the same result as a consequential amendment that would have the effect of bringing an Act in which the anomaly or inconsistency exists into line with the change in the law. Some of these anomalies, inconsistencies, etc., have arisen, or could arise, from recent or future repeals or proclamations or from other instruments authorised by Statute.

The Bill amends the Acts Interpretation Act by enacting a new section 52 which will confer on the Governor a power by regulation to direct that any specified provision, word, passage or reference in any Act shall be read as some other specified provision, word, passage or reference, as the case requires, but this power is to be exercised only to the extent necessary to achieve the same result as a consequential amendment that would bring a provision of another Act which has become incapable of interpretation or inconsistent with a change in the law into line with that change in the law. The safeguards against improper use of the regulation-making power are:

(*a*) that, as the power is to be exercised by regulation, the regulation would be subject to disallowance by either House of Parliament;

(*b*) that the power can be exercised only to the extent necessary to make such provision as is consequential on and consistent with the change in the law;

and

(*c*) any such regulation would always be subject to challenge before the courts on the ground that the regulation-making power was not validly exercised.

It is also to be noted that any such regulation would not specifically amend an Act but only provide the machinery whereby any specified anomalous or inconsistent provision, word passage or reference is to be read as some other provision, word, passage or reference in such a way that renders the Act meaningful in consequence of the change in the law.

It is intended that, in any consolidated version of an Act, references to such regulations (if any) as affect the Act will be noted by footnote on the appropriate pages of the consolidated Act. The Bill will greatly assist the preparation of consolidation of Acts for inclusion in the new edition if it is passed by both Houses before the last day of sitting for this year.

Dr. TONKIN secured the adjournment of the debate.

STATUTE LAW REVISION BILL (HOSPITALS)

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to make certain consequential and minor amendments to, and to correct certain errors and remove certain anomalies in, the Statute law and to repeal certain obsolete enactments. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It is part of the law revision programme in connection with the proposed publication of the consolidated public general Acts from 1837 to 1975, which, as members have already been informed, the Government hopes will soon be a reality. There are a number of factors which make corrective legislation necessary or desirable and, as members are aware, many Acts that have been amended or repealed

refer to, or are referred to in, other Acts which often need consequential amendment or the removal of anomalies or inconsistencies. Acts, the interpretation or construction of which has been affected by the exercise of statutory powers or administrative action, often need corrective legislation to bring them into line with the effect of the exercise of such powers or of such administrative action.

The intention is to incorporate in the new edition all the corrective legislation passed in 1975 but in the Statute Book there will always be certain matters that would need further consideration before receiving legislative attention and there will be last minute errors and anomalies which could occur for some reason or other and which would occur too late to remove by corrective legislation during this year. It would therefore be impossible to reach a stage of this work when all references in all Acts are up to date as on the same day. However, when these are detected in any Act that is included in the new edition, they will be dealt with by annotation in footnotes or marginal notes, where appropriate. This Bill seeks mainly to repeal two Acts which have become completely inoperative as from July 1, 1975, with the introduction of the Medibank hospital programme and to make a number of amendments to other Acts which are consequential on recent enactments by Parliament or on the recent exercise of statutory powers.

Clause 1 is formal. Clause 2 (1) repeals the Acts set out in the first schedule. Those Acts are the Hospital Benefits Act, 1945, and the Hospital Benefits (Amending Agreement) Act, 1948. Those Acts provided for an execution of agreements between the Commonwealth and the State relating to hospital benefits, but those agreements probably ceased to have any effect when the Commonwealth introduced legislation covering the field of hospital benefits as from January 1, 1963. However, with the introduction of the Medibank hospital programme from July 1, 1975, specific provision has been made that all prior arrangements relating to the payment of hospital benefits should be absorbed within the new arrangements provided by the Health Insurance Act, 1973-1975. In these circumstances, even if there had been doubt as to whether the 1963 legislation of the Commonwealth effectively ended the operation of the State Acts, there seems to be no doubt that they have been completely inoperative as from July 1, 1975, and are therefore being repealed. Clause 2 (2) deals with the case where an Act expressed to be repealed by this Bill is repealed by some other Act before this Bill becomes law. This is an eventuality that is possible and this provision enacts that, in such a case, the enactment by this Bill that purports to repeal that Act has no effect.

Clause 3 (1) provides that the Acts listed in the first column of the second schedule are amended in the manner indicated in the second column of that schedule and, as so amended, may be cited by their new citations as specified, in appropriate cases, in the third column of that schedule. Clause 3 (2) deals with the case where an Act expressed to be amended by this Bill is (before this Bill becomes law) repealed by some other Act or amended by some other Act in such a way that renders the amendment as expressed by this Bill ineffective. This is another eventuality that could well occur. Clause 3 (3) deals with the case where an Act amended by this Bill is repealed by some other Act after this Bill becomes law but the repeal does not include the amendment made by this Bill.

Community Welfare Act, 1972-1975: This amendment is consequential on a proclamation made under the Public Service Act, 1967-1974, and published in the *Gazette* on April 11, 1974, by virtue of which the title of the Permanent Head of the then Prisons Department was changed from Comptroller of Prisons to Director of Correctional Services. The amendment brings the reference in section 82 (4) of the Act to the Comptroller of Prisons into line with the change of title made by the proclamation.

Criminal Law Consolidation Act, 1935-1975: These amendments have become necessary in consequence of the enactment of the Community Welfare Act, 1972, which repealed and superseded the Social Welfare Act, 1926-1965, and in consequence of the making of a proclamation under the Public Service Act which was published in the *Gazette* on April 11, 1974, by virtue of which the title of the Permanent Head of the then Prisons Department was changed from Comptroller of Prisons to Director of Correctional Services. The amendment to section 77 (7) substitutes for the reference to a reformative institution as defined in the Social Welfare Act a reference to a home as defined in the Community Welfare Act and for the reference to the Minister of Social Welfare a reference to the Minister of Community Welfare. The amendment to section 77a (8) makes a similar substitution for the reference to an institution as defined in the Social Welfare Act. The amendments to section 276 (2), section 351 (3), schedule 2 and schedule 10 substitute for references to the Comptroller of Prisons references to the Director of Correctional Services.

Crown Lands Act, 1929-1975: The amendment to section 232h (1) arises from a passage erroneously inserted in that section by section 33 of the Crown Lands Act Amendment Act, 1974. That passage is already contained in that paragraph and is therefore redundant and is being struck out by this amendment. The amendments to the fifth and ninth schedules substitute "hectares" for "acres" and these amendments are consistent with other amendments made by the Crown Lands Act Amendment Act, 1974.

Electoral Act, 1929-1973: The amendment to section 118a (4) is consequential on and consistent with other amendments made to the Electoral Act by the Electoral Act Amendment Act (No. 2), 1973.

Juvenile Courts Act, 1971-1974: The two amendments to the Juvenile Courts Act are consequential on a proclamation made under the Public Service Act, 1967-1974, and published in the *Gazette* on April 11, 1974, by virtue of which the title of Permanent Head of the then Prisons Department was changed from Comptroller of Prisons to Director of Correctional Services.

Mr. WARDLE secured the adjournment of the debate.

COOPER BASIN (RATIFICATION) BILL

The Hon. HUGH HUDSON (Minister of Mines and Energy) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received.

THE REPORT

The Select Committee to which the House of Assembly referred the Cooper Basin (Ratification) Bill, 1975, has the honour to report as follows:

1. Your committee met on six occasions and heard evidence from 13 witnesses, whose names are shown in Appendix "A".

2. Advertisements inviting interested persons to give evidence to the committee were inserted in *The News, The Advertiser* and *The Australian.* There was no response to these advertisements.

3. From the evidence given to it your committee is of the opinion that the proposals contained in the Bill are desirable for proper development of the State's known natural gas reserves.

4. In view of the very limited exploration activities in the Cooper Basin area over the last two years, your committee draws attention to the urgent need for further

exploration, particularly over the next three years. It was submitted to the committee, by the Pipelines Authority of South Australia, that by the end of 1978 a decision will have to be made whether or not to expand the effective throughput of gas either by the "looping" of the pipeline between Moomba and Adelaide or by the provision of a liquid gas storage scheme in Adelaide. Further, decisions on a liquids or petro-chemical scheme need to be made by early 1979 if present reserves of liquids are to be exploited effectively. The necessity of proving further reserves is of obvious importance in the making of these decisions.

5. The implication and value to the State of the various agreements between producers, pipelines authority and users, together with the future sales agreement and the ancillary exploration indenture, was pointed out to the committee. These agreements are all dependent on the passage of the indenture.

6. Your committee is satisfied that the environmental clause of the indenture does not restrict the prerogatives of Parliament in any way. Parliament will be able to provide appropriate measures of protection whenever necessary.

7. Your committee is satisfied that there is no opposition to the Bill and recommends that it be passed without amendment.

Appendix "A"

Witnesses who appeared before the Select Committee:

Mr. R. R. Blair, Vice President, Delhi International Oil Corporation.

Mr. I. P. Burnside, General Manager, South Australian Gas Company.

Mr. R. I. Daugherty, Parliamentary Counsel.

Mr. S. E. Huddleston, General Manager, Electricity Trust of South Australia.

Dr. W. G. Inglis, Director of Environment and Conservation.

Mr. R. R. Marmor, Operations Manager, Delhi International Oil Corporation.

Mr. N. G. Perera, Legal Adviser, Delhi International Oil Corporation.

Mr. M. G. Roberts, Legal Adviser, Santos Limited.

Mr. H. E. Roeger, Deputy Commissioner, Highways Department.

Mr. D. H. Taylor, Assistant Crown Solicitor.

Mr. G. A. Twiss, General Manager, Pipelines Authority of South Australia.

Mr. B. P. Webb, Director of Mines.

Mr. I. O. Zehnder, Managing Director, Santos Limited.

The Hon. HUGH HUDSON: I move:

That the report be noted.

The committee took evidence from the various interested parties concerned with this Bill and indenture, in particular from some representatives of Delhi International Oil Corporation, Santos Limited, the Crown Law Department, the Director of Mines, the Director of Environment and Conservation, the Pipelines Authority of South Australia, the Electricity Trust of South Australia, and the South Australian Gas Company. True, there is no opposition to the Bill or to its provisions. The committee considers that the various proposals contained in the Bill, together with the various other agreements dependent on the passage of the Bill (the unit agreement among the producers, the sales agreement, the future sales requirement of gas for South Australia, the exploration indenture to be signed between the State of South Australia (or the Pipelines Authority) and the producers, and the undedication agreement between the Australian Gas Light Company, the producers and the Government of South Australia), are in the interests of the State and will secure the proper development of the Cooper Basin for the future. The committee paid particular attention to the problem that might be created by there being insufficient gas reserves in the Cooper Basin, and paragraph 4 of the committee's report states:

In view of the very limited exploration activities in the Cooper Basin area over the last two years, your committee draws attention to the urgent need for further exploration, particularly over the next three years. It was submitted to the committee, by the Pipelines Authority of South Australia, that by the end of 1978 a decision will have to be made whether or not to expand the effective throughput of gas either by the "looping" of the pipeline between Moomba and Adelaide or by the provision of a liquid gas storage scheme in Adelaide. Further, decisions on a liquids or petro-chemical scheme need to be made by early 1979 if present reserves of liquids are to be exploited effectively. The necessity of proving further reserves is of obvious importance in the making of these decisions.

I suppose in one sense that the urgency of this matter relates not only to ensuring the effective development of the existing reserves of gas in the area but also to enabling the necessary exploration and proving of further reserves, so that the appropriate decisions can be made when they need to be made toward the end of 1978. I do not think I need say any more than that at this stage. The committee took a substantial volume of evidence, and the minutes of proceedings comprise more than 100 pages of typescript. Those minutes are available for members to peruse, and I am sure that any member who has an interest in developments in the Cooper Basin and wants to find out more about it will find the minutes of proceedings a most useful source. I will not go into them in detail now, and I therefore content myself with the remarks I have made, apart from saying that the committee took evidence from the Director of Environment and Conservation, who made clear that the clause in the indenture dealing with the environment was inserted at his request and on his recommendation. That clause subjects the work of the producers in the Cooper Basin to the laws of the State, and this gives rise, therefore, to paragraph 6 of the committee's report, which states:

Your committee is satisfied that the environmental clause of the indenture does not restrict the prerogatives of Parliament in any way. Parliament will be able to provide appropriate measures of protection whenever necessary.

Our views about what appropriate measures of protection may or may not be necessary may well differ, but the basic point the committee makes is that the indenture does not give any special exemption to the gas producers: they have to abide by the laws of the State, whatever they may be from time to time (and there is substantial evidence from the Director of Environment and Conservation to suggest that he is satisfied that adequate protection can be ensured). Therefore I ask that the motion be agreed to.

Mr. DEAN BROWN (Davenport): I will comment briefly on some of the evidence presented to the committee. First, I endorse the Minister's remark that the committee decided, as its report indicates, that the Bill should be passed without further amendment. I point out (and this is obvious from the evidence presented) that it would have been difficult for the committee to recommend any amendments to the original Bill because any such amendments would have required the agreement of all the producing companies, the Pipelines Authority, and any other group or party concerned with the indenture agreement and the Bill. One can see the tremendous difficulty in achieving that kind of further agreement. The Minister also indicated (and I think that this is clearly set out in the evidence) that the Bill is needed to be passed by the end of the sittings of the House, otherwise the whole indenture agreement will lapse. So, there is a degree of urgency about it. Therefore, unfortunately the committee met virtually having before it an impossible chance of ever amending the Bill and, therefore, any recommendation had to be on the basis either of being a complete rejection of the Bill, thus destroying the whole concept of the indenture agreement, or of accepting the Bill, and we came down strongly in favour of accepting it in its present form.

If one looks at the minutes of the meetings, particularly of the last meeting, one will see that the member for Frome and I had certain reservations about what should be included in the report. Regarding paragraph 4 of the report, I urged that the first sentence be included, and I am pleased that the committee accepted that. The report as originally submitted contained much comment on the need for exploration during the next three years, and I fully support that, but I think it was obvious during the taking of evidence that there had been no exploration during the past two years. I will not go into the reasons for that but, if members wish to look at some of the reasons given, they can look at the evidence submitted. It is important that the House notes that no exploration wells have been drilled during the past two years or more, although there has been certain exploration in the form of seismic surveys. I was pleased to see that included in the report. The next area on which I will touch relates to the environment. The Minister has already read out paragraph 6 of the report that relates to the environment. The original report did not refer to the environment.

The Hon. Hugh Hudson: This is the original report. It's the only report the House has in front of it.

Mr. DEAN BROWN: The report as originally submitted to the committee (as is obvious from the minutes) did not include any paragraph relating to the environment. The committee, after certain disagreement, decided to include the following paragraph:

> Your committee is satisfied that the environmental clause of the indenture does not restrict the prerogatives of Parliament in any way.

Is that not a meaningless statement?

The Hon. Hugh Hudson: You voted for it.

Mr. DEAN BROWN: Yes, because the Minister had already rejected the recommendation I put forward; I will come to that later. That is a meaningless statement. The fact that we have not in any way restricted the power of Parliament to pass legislation to have control over the environment—

The Hon. Hugh Hudson: It wasn't in the statement.

Mr. DEAN BROWN: It is meaningless in relation to the actual protection of the environment at this time; in other words, to a certain extent, except for the existing Acts (and I will come to that later), the producers have an open cheque unless Parliament decides in future to restrict that open cheque. Paragraph 6 of the report also states:

> Parliament will be able to provide appropriate measures of protection whenever necessary.

Again, I suppose it is a factual statement, albeit a fairly meaningless statement, to talk about the protection of the environment at this time. During the meetings of the committee, I moved that the following amendments be inserted in the report but, unfortunately, it was rejected. However, I will read out what was included in the minutes, as follows:

> In recommending that the Bill be passed without amendment, your committee is aware of the lack of protection to the physical environment afforded by the Bill and indenture agreement. The Director of Environment and Conservation gave evidence that the only existing State legislation to protect the environment was the Health Act and other comparable legislation.

That amendment to the report was defeated. The member for Frome and I voted for it, whereas the members for Semaphore and Gilles voted against it. The Chairman also voted against it. What concerns me is that there is little protection for the physical environment as it now exists. If we look at some of the evidence presented by the Director of Environment and Conservation, we see that he is somewhat concerned about the lack of protection. I think it fair to say that overall he did say that he felt that there was adequate protection, but if one analyses his evidence one will see that, although he kept saying that there was adequate protection, he was not able to justify that statement when he was pinned down. I refer to question 288 of the evidence, at page 98. I asked:

> What laws of the State will be involved?

The Director replied:

> We have been concerned about this question for some time.

So have I. The Director also stated:

> When a provision is written as vague and as generally as this, that is a reasonable question. I refer to the Health Act in relation to the control of atmospheric emissions, noise, and other comparable legislation, as well as environmental impact legislation when it is passed into law, assuming it is passed.

The Director has talked about the fact that the protection of the environment would come from the environmental impact legislation, but there is no such law in this State. He goes on to refer to the fact that the Commonwealth Government has certain powers in the matter, but as far as the State Government and the physical environment are concerned, there is no protection, except under existing laws. The only Act that the Director could cite to me was the Health Act, but what use will that Act, of all Acts, be in trying to protect the physical environment in the Cooper Basin? I refer also to question 311, where I continued to try to pin the Director down. I said:

> At this stage, there is no legislation demanding environmental impact statements. The area I am concerned about is the physical environment. It is not only the 243-hectare site of the plant; it is also the road vehicles, or four-wheel-drive vehicles that will be driving from one exploration point to another. I can imagine quite a criss-cross of roads developing. We had a map showing all the different exploration points, but are you satisfied this type of random use, or random driving over the country, will not cause major environmental damage?

The Director replied, "No, I am not."

The Hon. Hugh Hudson: Why don't you read the rest of it?

Mr. DEAN BROWN: All right, I will. The Director stated:

> One of the obvious concerns throughout Australia is the problem of soil erosion. The area in question, in terms of when conditions are good, carries the maximum number of stock. They tend to hold stock there much longer than is really good for the country; this is inevitable in the economic climate of the business.

I do not think there is any need to go on, but I do not consider that I have quoted out of context as the Minister was trying to suggest. Although stock in the area have caused some environmental damage, this House realises that they will not cause the same amount of damage as will exploration vehicles going back and forth across the area, which is exposed to wind erosion. This House realises the sort of damage that has been done to other northern parts of our State by exploration.

We have in this State responsible producers, and I compliment them on how responsible they have been in the past. I am sure that they will also try to be responsible in the future. However, there is no guarantee that the environment in the Cooper Basin area will be protected, yet if we read the relevant statement and heard the statement by the Minister today, we would think that that area was as safe as safe could be from damage.

The Hon. Hugh Hudson: I di- dn't say that.

Mr. DEAN BROWN: The Minister has tried to imply that, and he has continually tried to imply it through the

evidence presented in the report. Having brought to the attention of the House the lack of safeguard for the physical environment, the next aspect to which I wish to turn is a further amendment that I tried to have included in the report. It refers to the Pipelines Authority of South Australia.

Mr. Mathwin: What page?

Mr. DEAN BROWN: This is on the third last page of the minutes. I have not a page number. My amendment was:

Your committee draws to the attention of the House the important pricing and resource use decisions to be made in the future by the board of the Pipelines Authority of South Australia. Because of the nature of board decisions, your committee requests the House to urge the Government to reconsider its policy to include a significant number of employees on the board of this authority.

I moved that amendment and the member for Frome supported it. The member for Semaphore and the member for Gilles voted against it, and the Chairman (having a casting vote, of course) voted against it.

Mr. Keneally: It was a democratic decision.

Mr. DEAN BROWN: It was a democratic decision of that committee, and one would expect that sort of democracy where one had three Australian Labor Party members and two other members on the committee.

The Hon. Hugh Hudson: I know who was embarrassed by the whole thing.

Mr. DEAN BROWN: I ask the Minister to allow me to continue, as I allowed him to speak. I am sure that he will try to take this statement entirely out of context when he replies to my remarks. He did that during the committee's deliberations, and doubtless he will do it again. It became obvious from the evidence that the board of the Pipelines Authority of South Australia will have tremendous responsibility through the indenture agreement and the Bill. I do not question that in any way. The board will basically be responsible for ensuring that a reasonably low price is set for natural gas for all consumers in South Australia.

Therefore, the main protection for South Australian consumers of gas, including the Electricity Trust and the South Australian Gas Company, is that the Pipelines Authority will use the maximum amount of wisdom in arriving at a fair and reasonable price, and I am sure that at present the board has members extremely capable of coming to such a decision. The State Government policy, as enunciated at the A.L.P. conference, is that one-third of the members of a board should represent employees. I am not questioning the ability of all the employees. The General Manager of the Pipelines Authority (Mr. Twiss) indicated that some employees were extremely capable of making such decisions, and I have no doubt that that could be the case, but unfortunately it will be not Mr. Twiss or the State Government but the other employees who will determine which employees are to be on the board.

I think it would be unfortunate if, with a board with the sort of power and effect on the entire future use and pricing of natural gas throughout the State, one-third of the decision-making power was carried out by employees who were basically more concerned about their organisation (and I do not question that, because they would be there to represent their organisations) than about the entire pricing policy for natural gas. Therefore, it was only a request that the Government should look at that aspect. If any Government is aiming to be responsible, it will do so. No doubt the Minister will try to say that I have now completely rubbished all the employees of the Pipelines Authority, that I have said they are totally irresponsible, and made every other sort of accusation similar to those that unfortunately came forward during the Select Committee hearing.

The third amendment I tried to move related to financing the Strzelecki track. However, I will leave that matter for the member for Frome to take up in some detail. The Minister was concerned about this matter, because he said it involved a Cabinet decision and that he would have to be party to that decision. My motion was therefore defeated. Mr. Allen and I voted for the motion and Mr. Olson and Mr. Slater voted against. There being a tied vote, the Minister voted against it.

Mr. Max Brown: Another democratic decision.

Mr. DEAN BROWN: The Minister went to some lengths in the committee to point out that he would be party to a decision in another place and could not be committed by a vote in the Select Committee. I suggested he therefore abstain from voting, but instead he cast his vote against the motion. The Minister changed his line of argument halfway through to ensure that my amendment was defeated. We will listen to the arguments of the member for Frome about his concern, which I fully share. Why should road users in the North and elsewhere suffer because $1 500 000 has been diverted away from roads in those areas to the Strzelecki track?

The Hon. Hugh Hudson: Who says we have done that?

Mr. DEAN BROWN: I am asking why they should. All I was asking for in my amendment was a guarantee that that would not happen, but the Minister was unwilling to give such a guarantee. If one carefully reads the evidence one will find that the Highways Department could not give a guarantee either, because it was a Cabinet decision, which decision has not yet been made. It is fair and reasonable that a Select Committee should point out to the House that road users should not suffer as a result of this indenture agreement. I thank all witnesses who presented evidence to the committee. I think all members of the committee would agree that we learnt much from the evidence we heard and were privileged to hear from people with tremendous expertise in this area.

It is obvious that there is an urgent need for further exploration in the next three years and for a petro-chemical plant or some other sort of plant to use liquid hydro-carbons to be established. There is already a known supply of liquid hydro-carbons in the Cooper Basin, and it is obvious that there is little or no other way of using those reserves unless a petro-chemical complex or liquids pipeline is established that will allow us to export liquid hydro-carbons overseas. The present State Government must turn its immediate attention and energies to establishing some sort of petro-chemical plant. Since the 1973 election, when such a plant was first promised as an election bait that was hung out to suck in the people of your area, Sir, and the people of Port Augusta and Whyalla to believe a petro-chemical complex would be developed, the Government has failed to do this.

The incompetence of the State and Commonwealth Governments has meant that South Australia does not have such a complex. One only hopes that both Governments will change some of their administrative attitudes and policies so that we do, as soon as possible, have a petro-chemical complex. I support the adoption of the report. I have some reservations, but still believe the Bill should be passed as quickly as possible.

Mr. COUMBE (Torrens): I have read the Select Committee's report with some interest. I am speaking about this matter as a member who was not a member of the Select Committee. Clause 7 of the committee's report is important: it states that there is no opposition to the Bill, and recommends that it be passed without amendment. For that recommendation I am eternally thankful because, having read the Bill and the indenture, and knowing the strict time table involved in this matter, I know that it would be a most complicated matter to pass the Bill if there were any opposition. Some of the matters raised in the committee's report were also raised during the second reading debate before the Bill was sent to a Select Committee. Only some of the matters raised in the debate are answered in the committee's report. The Minister drew attention to paragraph 4 of the report, which is extremely important and pertinent to the whole exercise. It states:

In view of the very limited exploration activity in the Cooper Basin over the last two years, your committee draws attention to the urgent need for further exploration.

That is exactly what I and my colleagues have been saying for some time now. We have said it not only during the second reading debate but also in a series of questions over at least the past two years. We all know that the lack of exploration activity is the direct result of the policy announced by the now deposed Commonwealth Minister for Minerals and Energy (Mr. Connor). I hope that that policy is reversed quickly and that exploration, which I understand can be carried out by only one rig on the field, will proceed. We know that certain reserves exist on the field. The companies involved in the area know that the reserves exist, but those reserves are estimated and not proven.

For South Australia's sake and for the sake of South Australian industry those reserves must be proven, and that can be done only by getting on with the job of drilling. That part of the report also states:

. . . your committee draws attention to the urgent need for further exploration, particularly over the next three years . . .

That part of the report entirely vindicates the stand taken for some time by members on this side. For the future of South Australia, apart from any consideration of the gas to be supplied to A.G.L. in Sydney, I believe that urgent exploration is vital. The Pipelines Authority, which should know what it is talking about, submitted to the committee that, by the end of 1978, a decision would have to be made whether or not to expand the effective through-put of gas by the looping of the pipeline between Moomba and Adelaide. That matter was not given much prominence earlier. Not having been a member of the Select Committee (although I have been involved from the early stages of the exercise and expected looping to occur), the first authoritative knowledge I had that looping might happen was in a statement made by the Minister when opening a convention last week.

I am fully conversant with the engineering aspects of looping. The report refers to 1978, and I remind the House that that is only three years hence. Surely that must jolt members into realising that looping will have to take place after that time. We cannot adopt a *laissez faire* attitude about this matter. Unfortunately, Commonwealth decisions have led us to adopt that sort of attitude. The report, on the matter of looping, continues:

. . . or alternatively, by the provision of a liquid gas storage scheme in Adelaide.

This is another interesting aspect, and has been talked about before. However, it was not referred to in the second reading debate. Later in paragraph 4 it is stated:

Further decisions on the liquids or a petro-chemical scheme need to be made by early 1979.

We are now getting dates put before us that were not given to us before. During the second reading debate (and the Minister agreed with the point that I made), I said I believed that the original agreement had been bob-tailed from 1991 to 1988. Now we see that a decision will have to be made by early 1979, in little more than three years from now, if present reserves of liquids are to be effectively exploited. The necessity of proving further reserves is of obvious importance in the making of these decisions. Therefore, as a result of the amount of gas being drawn off, we can see that in about three years a definite decision will have to be made. In fact, exploitation may have to occur in that time if we are not to lose the advantage of liquids which are in that field.

The Hon. Hugh Hudson: A decision will have to be made.

Mr. COUMBE: Yes, a decision will have to be made early in 1979 on what use will be made of those liquids, or whether a use can be made of them.

The Hon. Hugh Hudson: It is another three or four years after that before a use would be made.

Mr. COUMBE: I am glad to hear the Minister say that, because I am reading from his report: after all he is the Chairman. However, in a very short span of years decisions will have to be made that many people in the community thought were not to be made until some remote time in the future.

This means that we must watch our gas use and make a decision on what we will do with liquids. It is a scandal, as I said before in my second reading speech, that the liquids are not able at this time to be used. They are far too important a national asset to be flared or wasted on the field. Paragraph 5 of the report is important but it is self-explanatory and does not need any comment. Paragraph 6 was referred to by the member for Davenport, and he has got a point in this regard.

The Hon. Hugh Hudson: He has no point at all; the evidence was quite against him.

Mr. COUMBE: I was not a member of the committee, and I have not read the evidence; I am going on the committee's report and I do not think the Minister would cavil at his own wording, seeing that he was Chairman of the committee. This paragraph states:

Your committee is satisfied that the environmental clause of the indenture does not restrict the prerogatives of Parliament in any way.

That is the first sentence, and it is very interesting. I take issue with the member for Davenport, who said it did not mean anything; I think it does mean something. The committee apparently satisfied itself that the environmental clause did not restrict the prerogatives of Parliament. I was of the naive opinion that Parliament was supreme in this State and could do what it wanted within the Constitution. Therefore, I would suggest that Parliament is supreme. The committee says that the prerogatives of Parliament will not be restricted in any way. This clearly indicates what the environmental protection provision has to say. In the indenture, clause 21 relates to environmental protection, and it is clear there for anybody to read. Paragraph 6 of the report concludes:

Parliament will be able to provide appropriate measures of protection whenever necessary.

In the second reading debate, it was never suggested by the Minister or by any members opposite that Parliament might have to provide some other restrictions in the future. Paragraph 6 raises a doubt whether this indenture, as far as the environment is concerned, is satisfactory and

complete in the ways in which we all desire it to be. It appears that the only way it is affected, according to the evidence as reported by the member for Davenport, is by the Health Act, which deals with emissions. There are many other factors besides emissions. Anyone who goes to the field (I am sure some other members besides myself have been there) knows what goes on at this field.

I do not wish to canvass all the other matters referred to, but I believe that we have got to be very serious about this whole matter, especially in view of the statement that the Minister has now disclosed in his report. We must be completely satisfied that, irrespective of our commitments to A.G.L. in Sydney, that industry in South Australia is safeguarded and that the domestic load is also satisfactory. In the list of witnesses who appeared before the committee, two of the biggest users were represented by Mr. S. E. Huddleston, General Manager of the Electricity Trust of South Australia, and Mr. J. P. Burnside, General Manager of the South Australian Gas Company. Apparently they raised no objections to this matter with regard to clause 7.

I know that the producers are quite happy about this proposal. Having made the comments I have made, which I believe are germane to the matter, I commend the committee for its work. I understand it had six meetings, so it must have really got to work on this job. Paragraph 7 of the report states:

> Your committee is satisfied that there is no opposition to the Bill and recommends that it be passed without amendment.

I support that contention.

Mr. SLATER (Gilles): As a member of the Select Committee, I am satisfied on the evidence taken by the committee that the indenture and the ancillary agreements dependent on the passing of this Bill will assist all the parties, the producers, consumers, and the State, and will ensure the continuity of gas supplies from the Cooper Basin area for years to come. I want to make brief reference to paragraph 4 of the report which states that the committee places some emphasis on the importance of further exploration of the area to provide adequate gas reserves soon. I think that is one of the important aspects of the report.

The only disturbing aspect of the Select Committee was the attitude of the member for Davenport who, I believe, often, as the evidence will show (and this is clear from his actions in the House this afternoon) endeavoured to use the Select Committee for Party political purposes. It seemed to me that his political interests took precedence over the interests of the people of the State. With those few remarks, I support the Bill.

Mr. ALLEN (Frome): As one of the members of the Select Committee, I can say that this matter was of interest to me because the gas fields are situated in my district. Moreover, this was the first Select Committee of which I had been a member.

Mr. EVANS: Mr. Deputy Speaker, I draw your attention to the state of the House.

The DEPUTY SPEAKER: A quorum is present.

Mr. ALLEN: Paragraph 4 of the report states:

> In view of the very limited exploration activities in the Cooper Basin over the last two years our committee draws attention to the urgent need for further exploration, particularly over the next three years.

In order to fulfil the contract to supply gas to Sydney, these companies put in much work in exploring for gas. I understand they expended practically the whole of their resources. However, the project was successful, since by 1973 they had proved a reserve of some two trillion cubic feet of gas and, according to the contract, that had to be provided before they could enter into an agreement to supply Sydney.

After they had proved that field of gas and expended a lot of their finance (and they did not need any more gas for quite a few years), it was only natural that the companies would slow down in their exploration. Of course, in the meantime mineral exploration in Australia generally ran down. We have now reached the stage where it has run down to the extent that we have to start more exploration soon in order to prove more reserves for the future. I have no doubt the gas is there. I think that the companies themselves are convinced it is there but, of course, it takes much money to prove this. I asked how much it cost to put down a production well, and I was told $300 000. The balance sheet of one of those companies exploring that area shows total profits last year of about $800 000, and it had to take other items out of that. This would mean their total profits for the year were only the price of two exploratory wells, so we can see the difficult situation they are in at present. I think everyone will agree that the agreement entered into will be of considerable benefit to the whole project.

Reference has been made to the looping of the existing pipeline in a few years time in order to get more gas to the market, and I think everyone will agree that a liquids pipeline is a necessity in order to make the whole of this gas field a profitable venture. The General Manager of the Electricity Trust (Mr. Huddleston) gave evidence, and he referred to the intended new power station somewhere on Spencer Gulf. When this power station, burning Leigh Creek coal, comes into production it will almost double the demand for Leigh Creek coal. It is of interest to note that practically the whole of South Australia's energy resources come from the north-east part of the State, namely, Leigh Creek coal and gas from the Cooper Basin. Of course, it comes from a very important district.

There was much discussion about the environmental factors. The member for Davenport has covered the matter fully. I think there may be some problem in the future with the environment in relation to noise, and perhaps pollution of the air, but I do not foresee many problems around the 347 hectares of land that will be made freehold for the works. If this works becomes a residential area (which I predict it may), I expect it to be laid out similarly to Leigh Creek, a well laid-out town, with many trees planted in the area. It is very pleasant when driving through Leigh Creek to see such a well laid-out town with gardens and trees. I foresee this sort of development at Moomba, and this will be even more pleasing to the eye because the surrounding area is much more harsh than the Leigh Creek area. We may have problems with the environment outside the area, on the roads leading to Moomba and the area surrounding it. I expect a big increase in traffic on the road to Moomba and other tracks leading out from there. Where there are roads there will be tourists, with people driving indiscriminately over the country and camping indiscriminately.

I receive reports at present of tourists in caravans setting up camp alongside a watering point for two or three days and keeping the stock away from the water. This is a common complaint, and this factor must be considered. Parliament will be able to legislate to deal with that matter as the occasion arises. When the Select Committee was about to meet, I communicated with the owner of the Gidgealpa station, where the Moomba gas wells are situated, to see whether he wished to give evidence to the Select

Committee. He knew nothing about the matter. I was surprised to hear this, because I thought as the lessee of the property he would have been approached.

However, I understand the land would be held under pastoral lease and he may not necessarily have to be approached in order to make the 347 hectares freehold, but I think he should, as a matter of courtesy, have been approached. He was quite happy with the suggestion, because it will mean the upgrading of the Strzelecki track, which he uses. The upgrading of that track, is an important aspect of the agreement. The Deputy Commissioner of Highways (Mr. Roeger) was questioned about the upgrading of this road. The report of part of Mr. Roeger's evidence to the committee is as follows:

The Chairman: You consider that the period of time contemplated in the indenture (namely, 24 months) will give you enough time to do the job in reasonable circumstances? . . . (Mr. Roeger): Yes, the physical resources present no problems. We have a gang at Leigh Creek and another gang already working on the Strzelecki track. We could supplement them with hired plant and additional personnel. Financial constraints would be a problem. We think it would be unfair to charge ordinary motorists with the cost; there is insufficient traffic to warrant expenditure of that nature. I understand Cabinet has agreed that we will be given additional funds to do the work, and in that event there will be no problem.

The Chairman: This is a matter that the Government has to decide, and not a matter for the Select Committee.

Mr. Dean Brown: Will funds be available in the current financial year?

The Chairman: That is not a question for Mr. Roeger ... I was speaking parochially for the Highways Department? If we had to put this job in competition with other road projects, we would find the financial position very severe. We appreciate that it would be a matter for direction from the Government.

Mr. Dean Brown: Is work likely to start this financial year?

The Chairman: We can discuss this afterwards. Is it proposed that work should commence as soon as the Bill is passed and as soon as necessary arrangements could be made by the board? . . . Yes.

The sum of about $400 000 would be spent before the end of this current financial year? . . . Yes.

That sum is not in the indenture but I understand there is a kind of gentlemen's agreement on that score? . . . Yes.

That indicates that the Highways Department believes that it would be hard on the department itself to finance this project, and that the ordinary motorist should not have to pay. It would appear from the remarks made that Cabinet is looking seriously at this matter, and I hope it decides to make grants available for this road because it would be a hardship for the Highways Department to have to find this money next year. If $1 000 000 has to be found it will mean that local government will possibly receive less money. This would be of extreme disadvantage to councils that are trying to maintain their work forces at present. I am afraid that, if the Government does not provide grant money for this road and the Highways Department has to find it, all other projects will have to cease.

I am particularly concerned about the Hawker to Leigh Creek Road. For 10 years the people of Leigh Creek have been trying hard to get this road upgraded. Work commenced this year with an allocation of $770 000 for a 16 kilometre section, and, if money has to be found by the Highways Department for the Strzelecki track, I am afraid work such as this will have to cease. If that happens I believe the Leigh Creek folk will be upset. For many years they tried to get a television relay station at Leigh Creek, and they finished up threatening industrial action, something they had never done before (there has been no industrial action at Leigh Creek on any occasion). The Minister of Mines and Energy announced a few weeks ago that television would be provided at Leigh Creek, and this made the local people happy. I believe that if the work on the Hawker to Leigh Creek Road does not continue we will have similar trouble, because the local people will not accept that.

I appeal to the Government to see to it that grant money is provided for the Strzelecki track so that the other programmes for South Australia can be maintained. The question was raised before the committee whether the Strzelecki track was the most suitable route to Moomba, and Mr. Roeger said that consideration had been given to an alternative route which was to continue on to Marree up the Birdsville track to Etadunna Station and then due east to Moomba. That would mean an extra 192 kilometres but that country is one continuation of sand hills, and it would cost more to upgrade the 192 kilometres of sand hills than it would to upgrade the 401 kilometres of the Strzelecki track.

Mr. OLSON (Semaphore): I express my pleasure at having been a member of the Select Committee that considered the Bill. From evidence given to the Select Committee by the numerous witnesses, it is evident that the proposals contained in the Bill are desirable for the proper development of the State's known natural gas reserves. The interim gas sales contract is in substitution for those arrangements which have been in effect since May, 1974, and which are necessary to ensure continuity of gas supplies to Adelaide in the event that the unit agreement does not come into effect. This contract provides for the delivery of gas to the expanded Adelaide market to the end of 1987 from existing reserves in the Cooper Basin. The contract includes provision for annual price reviews under arrangements that will allow for equitable price determination through negotiation, with provision for arbitration if necessary.

The committee, being aware of the exploration indenture, concerned itself with future exploration work on the field. Maps presented by the producers illustrated proven and provable reserves to be between three and four trillion cubic feet. Whilst it was established in the evidence of the Director of the Mines Department (Mr. Webb) that the companies concerned were not required to explore at all unless they were holding an exploration licence, the committee sees an urgent need for further exploration work to be carried out during the next three years to guarantee continuity for the establishment of future reserves. The exploration carried out over the past three years will be critical in regard to several decisions, namely, the Pipelines Authority decision to loop the existing pipeline and the decision on what sort of liquids scheme will be used.

It is a simple fact that the existing pipeline, fully compressed, will not meet the Adelaide market beyond 1987. I understand that the loop line would cost about $35 000 000 to construct. Evidence submitted by the General Managers of the South Australian Gas Company and the Electricity Trust of South Australia expressed vital interest in the continued future supply of natural gas, in addition to its being available to users at a reasonable price. This is the main purpose of the indenture and the Bill. The Director of Environment and Conservation (Dr. Inglis), when questioned at length on environmental protection in the area, regarded the present provisions taken to safeguard the environment, in terms of the indenture, to be adequate.

The main item deals with the upgrading of the road. At the moment the track gets rough and drivers get off and spread out for a distance of one kilometre each side of the road. The improvement of the Strzelecki track by constant supervision by the Highways Department will prevent deterioration around it. It will be noted from the report that all 13 witnesses who gave evidence in relation to the Bill did not oppose the proposals contained therein, and this indicates that the recommendations of the committee merit justification. I am pleased to have been afforded the opportunity of being a member of the committee. My only regret is that the member for Davenport has seen fit to engage in the usual procedure of introducing Party politics into a Select Committee.

The SPEAKER: If the honourable Minister speaks, he will close the debate.

The Hon. HUGH HUDSON (Minister of Mines and Energy): I believe it should be made clear to the House that there was no evidence whatsoever given by any witnesses to the committee that suggested that amendments should be made to the Bill. The statement made by the member for Davenport about a choice, and that he might have liked to amend the Bill is a statement only about his possible preferences and is not a statement based on the evidence placed before the Select Committee. The member for Davenport did not stick to the evidence placed before the committee by the Director of Environment and Conservation, who made clear that he supported the environmental provisions in the Bill, that—

Mr. GOLDSWORTHY: I rise on a point of order, Mr. Speaker.

The SPEAKER: What is the point of order?

Mr. GOLDSWORTHY: This is the first time to my knowledge that the right of reply has been permitted on a motion to note the recommendations of a Select Committee's report.

The SPEAKER: I have checked up on that, and this is not the first time it has happened in the House. There are certain other matters that perhaps tend to confuse the issue the honourable member is raising. The honourable Minister of Mines and Energy.

Mr. DEAN BROWN: On a point of order, Mr. Speaker, under Standing Order 144, I think it is clearly indicated—

Mr. Wells: Are you trying to duck something?

Mr. DEAN BROWN: No, I am not scared of what the Minister might say in twisting the facts. We have Standing Orders, which should be upheld, and Standing Order 144 states clearly that, on a Select Committee report, each speaker may have up to 30 minutes. That obviously gives only one chance to speak on the report. This is not an issue where this precedent does not count. It is a black and white issue. You have pointed out previously, Mr. Speaker, that where something is stated in Standing Orders it must apply.

The SPEAKER: I am aware of Standing Order 144, and I was referring to that when I said that the issue was not absolutely clear but, as a precedent has been set in the House, I intend to follow it.

Mr. DEAN BROWN: On a point of order, Mr. Speaker, you pointed out on a recent occasion, when I took a point of order and referred to precedent, that Standing Orders, if they state something in black and white, must stand. We all witnessed the spectacle earlier this afternoon with the Minister performing in front of us because he did not have the right to reply. I think that it is disgusting that Standing Orders are not being upheld and that a Minister can perform like that. Frankly, I think it was a threat to staff members of the Chamber, and was a disgusting performance.

The SPEAKER: Order! As the honourable member said in his opening remarks, Standing Orders are clear and definite, but they are not in this instance clear and definite. Therefore, I rule that, as a precedent has been created before my time in the House, I intend to uphold that precedent. The honourable Minister of Mines and Energy.

Dr. TONKIN: I rise on a point of order, Mr. Speaker.

The SPEAKER: What is the point of order?

Dr. TONKIN: I support the points of order that have been raised and, with great reluctance, move:

That the Speaker's ruling be disagreed to.

The SPEAKER: Is the motion seconded?

Mr. DEAN BROWN: Yes.

The SPEAKER: The honourable Leader has moved:

To disagree to Mr. Speaker's ruling because it ignores the provisions of Standing Order 144, which allows each member to speak once for up to 30 minutes on the motion that a Select Committee's report be noted.

Is the motion seconded?

Mr. GOLDSWORTHY: Yes.

Dr. TONKIN: I take this action reluctantly, but I do so because often in the House Standing Orders, which, I believe, are reasonably clear, have been applied, as they should be, to limit the debate on various matters on which all members at some time would like to go on further and spend extra time, because they have believed that they have not had their fair allowance of time to present the case they have wished to put before the House. Members are limited by Standing Order 144 and other Standing Orders and they abide by them, and they expect you, Mr. Speaker, to uphold them. That applies to all members, whether they be on the Government or Opposition side. In all circumstances, we have the right to speak during that period. If, for instance, an Opposition member wanted a right of reply that was not written into Standing Orders, and if he wished to speak for longer than the time allowed to him under Standing Orders, if he got up and wished to suspend Standing Orders (which would be the only other option open to him, and which the Minister was considering doing), such a move would be refused by the Government. I have no doubt about that, because extensions of time are just not thought of, as we know how they will be dealt with by members of the Government.

I do not see why there should be one law for the Government and one for us and, for that reason, respectfully and with regret, I disagree to your ruling, because I do not believe that it is a fair ruling. If it were a matter simply of an interpretation of the Standing Order, I might defer to your interpretation of it but, in this case, I see that there can be no equivocation. The Standing Order is precise; it says what it means to say. There can be no two ways of reading it. If the Minister wants the right of reply in this matter, he should take the action which he intimated he would take, that is, suspend Standing Orders. If he had done that, I believe that he would have been entirely in order, and it would have been up to the House to rule on whether he had the right to speak. As it is, he has trespassed on your good nature. Without any form of explanation or without any apology, he expects that he can go on and act and speak as he likes. There is no rule for the Government if it does not apply also to the Opposition and vice versa. Therefore, I disagree to your ruling.

The Hon. HUGH HUDSON: In support of your ruling, Mr. Speaker, I refer members to Standing Order 140, which states:

No member may speak twice to a question before the House, except in explanation or reply . . .

I point out that there is some confusion on this matter, and the Speaker has pointed out that there is a precedent that would permit the mover of a motion that a Select Committee's report be noted, to be able to reply. I would not have asked to reply in any circumstances if there had been nothing to reply to, but the member for Davenport chose to make what I regard as serious misrepresentations about what occurred in the Select Committee. It is for that reason that I wish to reply, and I think it is the reason why the Leader seeks to prevent a reply. He is seeking to allow the member for Davenport to get away with what can be demonstrated as a complete and serious misrepresentation.

The House divided on Dr. Tonkin's motion that the Speaker's ruling be disagreed to.

While the division bells were ringing:

The SPEAKER: Order! The honourable member for Glenelg. I will not have this discussion. I have said that a precedent has been created. If the honourable member doubts it, I ask him to research the matter, and then he will find out. If he cannot find out, and if he comes to me later, I will acquaint him of the precedent. It is there, and I will give it to him.

Ayes (21)—Messrs. Allen, Arnold, Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Noes (25)—Messrs. Abbott, Boundy, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson (teller), Jennings, Keneally, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Majority of 4 for the Noes.

Motion thus negatived.

The Hon. HUGH HUDSON: The point I particularly wish to deal with relates to the statements made by the member for Davenport about evidence before the Select Committee. The honourable member tried to move certain amendments to the committee's report for which there was no evidence. If I may deal first with the worker participation matter, the only references to this relate to a question asked of Mr. Twiss, quite apart from the fact that this probably was not within the terms of reference of the Select Committee.

Dr. TONKIN: On a point of order, Mr. Speaker, I ask for your ruling. In the circumstances that now pertain, and since the Minister is speaking for the second time, does this close the debate or do other members have the same right?

The SPEAKER: I made an announcement before I allowed the Minister to speak the first time that, when he spoke, he would close the debate. I then intend to put the motion, and then we will move to the third reading.

Dr. TONKIN: On a further point of order, I submit that, that being so, and in circumstances where I think you will agree that the Opposition was caught by surprise by the move made, it would be only fair if Opposition members or other members were given the right to speak, and that that be done again. Everyone expected that the Minister was going to move for the suspension of Standing Orders to achieve the right to speak. No-one was prepared for him to be heard. Indeed, I was sitting next to him on the other side of the Chamber when that happened. I ask that honourable members be given that latitude before the Minister goes any further.

The SPEAKER: I feel at this stage that, once the honourable Minister has spoken, according to Standing Orders I will have to put the question. Then we will move to the third reading of the Bill.

Mr. GOLDSWORTHY: I rise on a point of order, Mr. Speaker. These rulings are being given under Standing Order 144, which describes the circumstances and the times allowed for debate, and in relation to a Select Committee, the Standing Order provides clearly in (*b*)—

The SPEAKER: Order! We have established this. It was pul to a vote of the House, so I do not intend that we will go over the same ground as we have already covered.

Mr. GOLDSWORTHY: With respect, my point of order is in relation to ground not covered in that last vote: that is, that I wish to speak in this debate to the motion that the report be noted. I claim that, under Standing Order 144, which provides that each member shall be allowed 30 minutes in which to speak, I would have that right, as the debate is continuing. There is nothing in that Standing Older that provides that any member or Minister has the right to close the debate. In fact, in other Standing Orders "the mover in reply" is specified. Where the Standing Orders provide that there be a reply, they refer to "mover in reply", and the time is specified. In this Standing Order, the time specified is 30 minutes. As the Minister has had two chops, I wish to exercise my right to speak to the motion.

The SPEAKER: First, it is normal for the mover to reply, not, as the honourable member says, to have two chops. The second chop, as he calls it, is his opportunity to rebut anything said that was in error or incorrect. Furthermore, regarding Standing Order 144, which the honourable member has quoted, I reiterate that this House established the precedent on another occasion.

Mr. DEAN BROWN: I rise on a point of order, Mr. Speaker. The Minister, in defending your ruling, referred to Standing Order 140, not Standing Order 144. Therefore, I presume that the House was voting on Standing Order 140, not on Standing Order 144. Standing Order 144 quite clearly refers, as you can read for yourself, to every occasion on which a Minister or any other member is allowed a reply, and time limits are specified. I refer to section (*b*) (i), (*b*) (ii), (*e*), and (*f*). They are the occasions. We are now debating (*c*), which allows no right of reply at all. The Minister, in defence of your ruling, Sir, referred to Standing Order 140, not Standing Order 144. Therefore, I believe the least you should do, Sir, before we throw this rule book out of the door, is clarify which Standing Order we are referring to, because we have had one from the Minister and one from you, Sir.

The SPEAKER: It matters little to which Standing Order the Minister was referring, because a vote has been taken.

Mr. DEAN BROWN: I rise on a point of order in relation to that matter. If you, Sir, had made a ruling on a specific Standing Order, and another Standing Order is still being breached, we have the right to take a point of order on that other Standing Order.

The SPEAKER: Order! I do not uphold that any Standing Order has been breached. The honourable Minister of Mines and Energy.

The Hon. HUGH HUDSON: The member for Davenport, in the course of the Select Committee—

Members interjecting:

The SPEAKER: Order! If any member on any bench in this House dares to reflect on this Chair, I shall take action immediately. For that purpose I do not care how softly—I ask the member for Eyre to be seated—they whisper, because, if I hear them, I will take action. The honourable Minister of Mines and Energy.

The Hon. HUGH HUDSON: The member for Davenport claimed there was evidence to suggest that the Government should not consider any form of worker participation in relation to the Pipelines Authority of South Australia. No such evidence was given before the Select Committee. The only comment made by Mr. Twiss was in reply to a question by the member for Davenport, who asked:

If there were employees on the board, do you think those employees would be in a position to make such judgments on pricing agreements?

Mr. Twiss's reply was as follows:

Yes. I believe that, as in any other organisation, we have very competent people capable of deciding and making decisions.

I refer also to pages 94 and 95 of the minutes of evidence, which make clear that, on all major matters, Mr. Twiss's evidence was that any decisions made by the authority would require the approval of the Government of the day or of the responsible Minister. Therefore, the honourable member's suggestion that there was evidence to indicate anything in support of what he was saying on the matter is completely without foundation. The situation is worse when we consider the matter of the environment. The honourable member misrepresented that evidence.

Members of this House on both sides, and the Leader of the Opposition, should be warned about the member for Davenport because of his almost deliberate misrepresentation of the evidence. At page 98 of the evidence the Director of Environment and Conservation said:

We believe that this provision is satisfactory. It is included at our request and on our recommendation.

Furthermore, the member for Davenport said that the only legislation that was relevant, according to the Director of Environment and Conservation, was the Health Act.

Mr. Mathwin: That's correct.

The Hon. HUGH HUDSON: That is an outright untruth and is completely contrary to the evidence. I draw members' attention to the evidence on that point at page 98, where the Director said:

I refer to the Health Act in relation to the control of atmospheric emissions, noise, and other comparable legislation, as well as environmental impact legislation . . .

Mr. Mathwin: That relates to the Commonwealth.

The Hon. HUGH HUDSON: There are other passages in the Director's evidence where he refers to other legislation that applies. In his evidence he also refers to regular consultations with the Highways Department on all matters that might affect the Environment and Conservation Department, and that that consultation is working well. Furthermore, he deals with the consultation that takes place between the Director of Environment and Conservation, the Director of Mines, and officers of the two departments. He gave evidence that those consultations worked well, and said that they would be consulted in relation to all proposals. On page 106, the Director refers specifically to the Aboriginal and Historic Relics Preservation Act.

In his evidence he makes clear that the producers' co-operation in this regard is excellent. He also makes clear that prospective damage to the environment is not likely to come from oil and gas exploration. The member for Davenport referred to question 311 of the evidence, and apparently believed that the Director was concerned about oil and gas exploration. The Director's reply to that question refers to the consequences of overstocking causing damage, and clearly indicates that wind erosion is the main source of damage.

Mr. Goldsworthy: That's your trouble—too much wind.

The Hon. HUGH HUDSON: The member for Kavel is in company with the member for Davenport. I think of him in the same terms as I think of the member for Davenport; they are unwilling to pay attention to evidence that has been given. On page 103 of the evidence the Director says:

The kind of load which is likely to be thrown on, in my opinion, by the petroleum exploration is much less than that caused by agricultural practice and is probably about the same order, or less, than that generated by pastoral activities, the rabbit boys, the dingo hunters.

I suppose that, had he heard the member for Davenport and the interjections of the member for Kavel, he might have been able to use them in one of those categories. The Director's evidence suggests that the upgrading of the Strzelecki track would be likely to improve the situation. He gives direct evidence of that. Anyone reading his evidence as a whole and in a fair-minded fashion would be satisfied that the appropriate measures had been taken. One would also be satisfied that the amendment the member for Davenport tried to move in the committee was not supported by the evidence. The honourable member seems to believe he is entitled to argue amendments before a Select Committee that are simply not supported by the evidence given. That is why members of the Select Committee voted against amendments moved by the member for Davenport. Indeed, the one measure of support he got from another member of the Select Committee was probably support out of some kind of Party loyalty and was given under a great degree of embarrassment.

The evidence given by the Director in relation to consultation with the Mines Department and the Highways Department related to future legislative proposals that will apply to the producers, when passed by this Parliament, to anything that happens in the Cooper Basin; there is nothing in the Bill or the indenture that exempts in any way the producers from environmental legislation that will exist at any time in South Australia. That matter is entirely in the hands of the Parliament. The attempt of the member for Davenport to raise a scare about the environment is some of the worst misrepresentation, misinformation and misleading of the House I have seen. In words that are becoming extremely common in Canberra, in my opinion the honourable member's behaviour this afternoon and in a Party-political fashion in the Select Committee is reprehensible.

The member for Davenport misled the House, and completely misread and utterly misheard the evidence presented to the Select Committee.

Mr. MATHWIN: I rise on a point of order, Mr. Speaker. The Minister is misleading the House because he saw fit to refer to the evidence given by the Director of Environment and Conservation and he stopped at the

appropriate place for his convenience. I draw your attention, Sir, to the fact that, when he referred to the Health Act in relation to the control of atmospheric emissions—

The SPEAKER: Order! I rule that there is no point of order. If the honourable member wishes to comment, he will have an opportunity to do so at the third reading.

The Hon. HUGH HUDSON: The only other matter which came before the committee and to which I wish to refer is the Strzelecki track. The position is that the financing arrangement is, so far as the Highways Department is concerned, the responsibility of the Government. I happen to be a member of that Government, and that is where the decision will have to be made. Honourable members are quite free to comment on the way in which they think certain matters should be financed, but I do not believe that the Select Committee, which had a responsibility in relation to the Bill and the indenture, had a responsibility to go beyond that and make a determination about what Government policy ought to be. That is the responsibility of the Government in this case, not the responsibility of the Select Committee. I do not want my remarks about the member for Davenport to be taken as meaning that I include the member for Frome or any other honourable member of the Select Committee: my comments on behaviour before the Select Committee apply solely to the member for Davenport.

Mr. DEAN BROWN: Mr. Speaker, I wish to defend myself under Standing Order 141 (I think Standing Order 145 would apply equally as well) to correct some of the lies the Minister told the House.

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Speaker. I ask for a withdrawal of the term "lies" used by the member for Davenport.

The SPEAKER: I ask the honourable member to withdraw the term "lies".

Mr. DEAN BROWN: I withdraw that, Mr. Speaker, and say I wish to correct some of the untruths told to the House by the Minister. May I proceed?

The Hon. HUGH HUDSON: Is the honourable member seeking leave to make a personal explanation, Mr. Speaker?

The SPEAKER: The honourable member, on a point of order, is—

Mr. DEAN BROWN: I wish to correct some of the misstatements made by the Minister about what I said in the House this afternoon.

The SPEAKER: The honourable member can explain.

Mr. DEAN BROWN: Thank you, Sir. I will speak solely to the material I used previously.

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Speaker. The honourable member, under Standing Order No. 141—

Mr. Goldsworthy: Do you disagree to the ruling?

The Hon. HUGH HUDSON: I am raising a point of order.

Members interjecting:

The SPEAKER: Order! If any honourable member raises a point of order, I must at least hear it.

The Hon. HUGH HUDSON: The terms of Standing Order 141 are that a member who has spoken to a question may again be heard to explain himself in regard to some material part of his speech. It has to be entirely in relation to his speech. The point of order that I take is that the honourable member cannot use that Standing Order to reply to my remarks.

Members interjecting:

The SPEAKER: Order! That is correct. The honourable member can explain his speech, but before he does so I think the Deputy Premier wishes to say something.

The Hon. J. D. CORCORAN (Deputy Premier) moved:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Dr. EASTICK: On a point of order, Mr. Speaker. The point of order taken by the Minister was not a point of order but a reflection on a ruling which you had made.

The SPEAKER: Order! I will not tolerate this. He was not reflecting on a ruling: he was simply asking, more or less in a roundabout way, for an interpretation of what I had said. I will not tolerate this incessant interjecting. I call on the honourable member for Davenport, and I warn the honourable member that he must reply within the terms that I have laid down.

Mr. DEAN BROWN: If I may point this out to you, Sir, I did in fact refer to Standing Orders No. 141 and No. 145. Standing Order No. 145 refers to being misquoted or misunderstood. I referred to both Standing Orders, and sought to reply under both. The first point I raise is that I was accused on the point that there was no reference in the minutes of the committee to the worker participation policy of the Government. There is. If honourable members look at paragraph 268, they will see a definite inclusion in the minutes of the policy of the Labor Government on worker participation. I asked the question of Mr. Twiss—

The Hon. Hugh Hudson: That is not evidence; that is your question.

Mr. DEAN BROWN: I asked Mr. Twiss whether it was a policy of the Government to include employees on the board, and he said that it was; therefore, my statement is quite justified, and the sort of accusations the Minister levelled at me are quite incorrect. The other area I wish to correct (and I warned the House at the time that I thought the Minister would try to mislead the House and accuse me with the worst types of accusation, and that is exactly what he did) relates to question 311, in which I asked the Director of Environment and Conservation the following:

Are you satisfied this type of random use or random driving over the country will not cause major environmental damage?

The Director replied:

No, I am not.

That meant "No, I am not satisfied." The Minister accused me of referring to the damage done by stock or of referring to the Director's referring to the damage done by stock on that occasion, and you, Mr. Speaker, can probably clearly recall the remarks of the Minister. In fact, I was referring to the damage done by vehicles in exploration work. The final accusation levelled at me, in one of the worst outburst by a Minister I have ever heard, was that I had made this Party-political. If trying to protect the environment is Party-political, I am proud to be part of that—

The SPEAKER: Order! The honourable member will resume his seat. He has made his explanation. I now put the question: "That the report be noted."

Motion carried.

FAMILY RELATIONSHIPS BILL

In Committee.

(Continued from November 5. Page 1706.)

Clause 5—"Interpretation."

The Hon. PETER DUNCAN (Attorney-General) moved to insert the following new definition:

"child born outside marriage" includes a child born to a married woman in consequence of sexual relations with a man other than her lawful spouse:

Amendment carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8—"Presumption as to parenthood."

Mr. MILLHOUSE: When I was reading through this Bill my interest was immediately pricked by the apparent physiological fluke embodied in clause 8, which provides:

A child born to a woman during her marriage, or within 10 months after the marriage has been dissolved by death or otherwise, shall, in the absence of proof to the contrary, be presumed to be the child of its mother and her husband or former husband (as the case may be).

When I went to school (and not only at school), I was always taught that the period was nine months, not 10 months. That is what I have always believed.

Mr. Evans: It is 40 weeks.

Mr. MILLHOUSE: The member for Fisher seems in the Liberal Party to be posing as the expert in this matter. I thought somebody might pose as an expert, so I got some authorities on it.

Mr. Coumbe: Did you get the Health Act?

Mr. MILLHOUSE: No, the *Encyclopaedia Britannica.* Page 451, volume 18. of that publication states:

There is a small but appreciable elevation of the body temperature at the time of ovulation, and this, by pinpointing the date of ovulation, has provided a method of determining the interval between ovulation and childbirth. Usually this lies between 266 and 270 days, with extremes of 250 and 285 days. The usual method of determining the date of childbirth is to add seven days to the first day of the last menstrual period and count forward nine calendar months. Thus, if the last period began on March 10, the estimated date of childbirth is December 17. This gives a figure of roughly 280 days or 10 lunar months. As ovulation occurs about the fourteenth day of the cycle it follows that this estimate is in reality about 14 days longer than the true average duration of pregnancy as estimated by the temperature method.

The *Penguin* medical encyclopedia states:

Pregnancy lasts from conception until labour. It lasts, on average, for 38 weeks. Because the date of conception is often uncertain, it is convenient to date pregnancy from the first day of the last menstrual period, which is likely to be a fortnight before conception, making a total of 40 weeks.

There is a serious point to this, and it is that, by leaving the period at 10 months as it is in the Bill in an effort to go beyond the most exceptional case, we can of course include cases of pregnancy which obviously should not be included because the period is too long. I believe we should go to the longest period set out in the encyclopedia (285 days). I move:

To strike out "ten months" and insert "two hundred and eighty-five days".

This will take it up to the limit of the likely period of pregnancy, and probably beyond the usual, and will therefore, I believe, fulfil the Bill and make sure that in the overwhelming number of cases we do not let in any pregnancies which should not be let in, because of the length of the period.

Dr. TONKIN (Leader of the Opposition): I am in two minds about how to comment on the honourable member's contribution and his amendment. I shall be charitable and say that I have always wondered on what basis lawyers founded their medical opinions. I suppose that, if the *Encyclopaedia Britannica* (of whatever edition it is) is quoted in court, I suppose there is some basis for the belief that learned judges have, as they do not always accept medical opinions from the *Encyclopaedia Britannica.*

Dr. Eastick: Is it an advance on *Reader's Digest?*

Dr. TONKIN: I think it is, although I think it will be found that *Reader's Digest* allows a far greater latitude, because it usually goes for the bizarre and the way-out. I can appreciate the honourable member's concern, and I can understand what he is getting at, but I can assure him that there is no set time for gestation. There have been reported cases in excess of 10 months, but they are uncommon. I am quite sure the member for Mitcham would be the first person to agree that, if there is any chance at all of one of these pregnancies being longer than 285 days, it would be most unfortunate if the provisions of this Act did not apply. I say 10 calendar months is quite reasonable. I think it covers all but the most unusual cases of prolonged pregnancy. I cannot agree that 285 days, which is just under 41 weeks, is a completely fair proposition. I support the clause as it stands.

The Hon. PETER DUNCAN: I am bemused by the honourable members' concern over this matter. The Government does not accept the amendment. I refer the honourable member to Halsbury's *Laws of England,* 3rd edition, volume 3, where in the notes "Q" the following appears:

The following intervals between coitus and birth have been held possible periods of gestation ... 331 days (*Gaskill* v. *Gaskill,* 1921); in *Hadlum v. Hadlum,* in 1949, it was 349 days.

It is clear that the courts have found it necessary to find in favour of periods of much greater length than that proposed by the honourable member, and I think that the period of 10 months as set out in the Bill adequately deals with this matter fairly generously. I accept the point that 10 months would be outside the normally accepted period of gestation but, in a situation where we are presuming parenthood on persons where, in normal circumstances the parent would prefer to have the presumption in his or her favour, we ought to be generous, and that is what is provided. As it would be unfortunate if the Government agreed to accept the amendment, we reject it.

Mr. MILLHOUSE: Both the Leader of the Opposition and the Attorney-General have missed the point of my amendment. It is not that I want to cut out the unusual case, but usually a pregnancy is less than 10 months, and this provision as it stands will let in, as legitimate, births that are not legitimate, so that it will do more injustice than justice. That is the whole point of my amendment. One can excuse the Leader of the Opposition (he is only a medical practitioner) for misunderstanding what I am putting, but the Attorney-General is a legal practitioner and should have been quicker on the uptake than he was. He quoted Halsbury to me, and I agree that this is usually a reasonable guide. He missed the point. To ensure that this is not an absurd provision, the period should be shorter rather than longer. It should not be twisted to cope with the most extreme case and, as the Attorney said, anyway, it does not cope with the most extreme case.

If we took his argument to the logical conclusion we should have a longer period still, but he has not done that. He has taken this provision from some provision in the New Zealand legislation, the reasons for which I do not know. I make one point to show the absurdity of what he has done by relying on Halsbury in this case. No doubt

he has heard of the law against perpetuities. He will know that there have been decisions of the courts to the effect that a woman of any age can conceive. Sarah did it, but it is most unusual, and it is entirely artificial to rely on that when we are legislating on decisions of the court which are to the effect that a woman of 90 years of age can conceive and, therefore, the rule against perpetuities is invoked. That is an analogous with what the Attorney-General has done. If he wants to follow this line, we should make the period longer than the 10 months. We should not legislate for the extreme case, but for the average case, and that is why I have moved my amendment to make it 285 days and not 10 months.

Mr. CHAPMAN: Although I thought the member for Mitcham was being a little technical in introducing the legal opinions, I see some merit in his argument and agree that, in this instance, the Attorney-General has missed the point of the member for Mitcham. Does the honourable member suggest that, after the break-down of the marriage and within the prescribed period, the milkman or some other such person might be involved?

Mr. MILLHOUSE: In the overwhelming number of cases a child born 10 months after the dissolution of the marriage (by death or otherwise) is not the child of the husband of that marriage and we all know it, but that is what we are saying is the case in this section. It is against common sense and scientific knowledge, and that is why the period should be reduced.

The Committee divided on the amendment:

Ayes (4)—Messrs. Blacker, Boundy, Chapman, and Millhouse (teller).

Noes (40)—Messrs. Abbott, Allen, Allison, Arnold, Becker, Broomhill, Dean Brown, Max Brown, and Mrs. Byrne, Messrs. Connelly, Corcoran, Coumbe, Duncan (teller), Dunstan, Eastick, Evans, Goldsworthy, Groth, Harrison, Hopgood, Jennings, Keneally, Mathwin, McRae, Nankivell, Olson, Payne, Rodda, Russack, Simmons, Slater, Tonkin, Vandepeer, Venning, Virgo, Wardle, Wells, Whitten, Wotton, and Wright.

Majority of 36 for the Noes.

Amendment thus negatived; clause passed.

Clauses 9 and 10 passed.

Clause 11—"Putative spouses."

The Hon. PETER DUNCAN moved:

In subclause (4) to strike out "are dead" and insert the following new paragraphs:

(*a*) are, or have ever been, domiciled in this State; or

(*b*) are dead.

Mr. MILLHOUSE: I do not oppose the amendment, but I have one concern. The Attorney-General stated earlier in the debate that the Bills had to be passed before this session ended, and I accepted that. However, I am concerned at the number of amendments that the Attorney is putting on the file. One that was moved a short time ago was handed to me as he was moving it, and I did not have a chance to look at it before it was put. These Bills affect the status of individuals in our community, and it is particularly important that we get them right before we put them through. These amendments are difficult to comprehend on the spur of the moment, yet they may have far-reaching consequences. It would be better if the Attorney allowed us more time to examine the details. He is moving the amendments, and that means that something must have been seen at the last moment, despite the long time that the Bills have been in course of preparation.

The Hon. PETER DUNCAN: Members opposite, other than the member for Mitcham, know well, because they were taking note of the debate last evening, that the amendments were circulated then in typewritten form.

Mr. Millhouse: No, not that first one. It was handed to me as you were moving it.

The Hon. PETER DUNCAN: The amendments that I am moving were distributed last evening. The amendments that the member for Mitcham may be moving may have been distributed today. I do not know about that.

Amendment carried; clause as amended passed.

Clause 12 passed.

Clause 13—"Confidentiality of proceedings under this Act."

Mr. MILLHOUSE: I move:

To strike out subclause (1) and insert the following new subclause:

(1) Unless the court otherwise determines, proceedings under this Act shall be held in a room that is not open to the public.

The present subclause (1) provides that proceedings under the Act shall be held in private. As a rule, it is desirable that such proceedings as these should not be open to the public, but should be in closed court. However, there may be circumstances in which it is desirable that the public be admitted, and we should not make the provision so definite and absolute. Further, I am not sure what the phrase "in private" means, and we would do better to relate the provision to something physical, as I propose to do in the amendment by referring to a room that is not open to the public.

The Hon. PETER DUNCAN: Doubtless, the honourable member will be pleased that the Government accepts the amendment. We are anxious to relieve the frustrations he has expressed this afternoon.

Amendment carried; clause as amended passed.

Clause 14—"Claim under this Act may be brought in the courts of other proceedings."

Mr. MILLHOUSE: What precisely does the Attorney have in mind by using the phrase "in the usual way"? I suggest it would be far better if it were more precisely defined in the Bill.

The Hon. PETER DUNCAN: It is a phrase used in various other measures.

Mr. Millhouse: Which other measures?

The Hon. PETER DUNCAN: The Limitation of Actions Act. It simply means that the proceedings shall be instituted in the normal manner. That is what is intended.

Clause passed.

Title passed.

Bill read a third time and passed.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

In Committee.

(Continued from November 5. Page 1707.)

Clause 10—"Enactment of Part IIIA of principal Act."

The Hon. PETER DUNCAN (Attorney-General) moved:

In new section 72g (*d*), after "issue" third occurring, to insert "of relative or relatives".

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

In Committee.

(Continued from November 5. Page 1708.)

Clause 3—"Interpretation."

The Hon. PETER DUNCAN (Attorney-General) moved:

In new section 4 (1) to insert the following new paragraph:

(a) by inserting after the definition of "child" the following definition:

"child born outside marriage" includes a child born to a married woman in consequence of sexual relations with a man other than her lawful spouse;

Mr. MILLHOUSE: This is the very point I raised before. I believe the Committee is entitled to have explanations of the amendments being moved by the Attorney. If other members of the Committee ar not interested in them, I am. I ask the Attorney not to move amendments without explaining what they mean.

The Hon. PETER DUNCAN: For the honourable member's benefit, I point out that this amendment is the same as an amendment moved last evening. Had the honourable member paid the attention he asks other members to pay to him, he would have heard the explanation I gave. I do not intend to give the explanations again.

Mr. MILLHOUSE: The Attorney is good at being rude and insulting members rather than doing his work. He has an obligation to members on both sides to explain amendments. I accept his reproof, if it be so. However, I do not know what amendment he moved last evening. I suggest the real reason he is unwilling to explain the amendment again is that he does not know what is the explanation.

The Hon. PETER DUNCAN: This amendment is to clarify the situation regarding a child born out of marriage, and to ensure that at law the courts will know it is the intention of this Parliament that the phrase should include a child born to a married woman in consequence of sexual relations with a man other than her lawful spouse. It seems to me that the amendment is clear in its meaning.

Mr. MILLHOUSE: I appreciate the Attorney's explanation, grudging though it was. I ask why it was not included in the Bill in the first place and why it has to be inserted by amendment.

The Hon. PETER DUNCAN: I am not averse to telling the honourable member why the amendment is being moved. When the Bill was being prepared, the Chief Justice was overseas. On his return he reviewed several Bills and suggested certain amendments. Some of those amendments have been accepted by the Government, and this is one of them.

Amendment carried; clause as amended passed.

Clause 4—"Consent required for adoption."

The Hon. PETER DUNCAN moved:

In new subsection (2), after "but", to insert ", subject to subsection (2a) of this section,"; and to insert the following new subsection:

(2a) Where a court, before which an order for the adoption of a child is sought, is satisfied on the application of a person claiming to be the father of the child that he has commenced proceedings under the Family Relationships Act, 1975, for a declaration that he is the father of the child—•

(*a*) the court shall stay the proceedings for a reasonable period to enable the proceedings under the Family Relationships Act, 1975, to be determined;

and

(*b*) if, during that period, the person claiming paternity of the child is adjudged under the Family Relationships Act, 1975, to be the father of the child, his consent is, subject to this Division, required for the adoption of the child.

Mr. MILLHOUSE: Again, I ask for an explanation.

The Hon. PETER DUNCAN: I concede to the honourable member that, where amendments are not clear on the face of it as to their meaning, there is a need to explain the meaning. It seems clear that the first amendment, on the face of it, is intended to make section 21 (2) subject to subsection (2a) of that section. Surely the honourable member can clearly understand that; he is a legal man and should be able to understand without my having to explain it.

Amendments carried; clause as amended passed.

Clause 5 and title passed.

Bill read a third time and passed.

COMMUNITY WELFARE ACT AMENDMENT BILL

In Committee.

(Continued from November 5. Page 1709.)

Clause 3—"Interpretation."

The Hon. PETER DUNCAN (Attorney-General): I move to insert the following new paragraph:

(*ab*) by inserting after the definition of "child" the following definition:

"child born outside marriage" includes a child born to a married woman in consequence of sexual relations with a man other than her lawful spouse:;

This, again, is an amendment similar to the one I moved and explained in another Bill.

Amendment carried; clause as amended passed.

Remaining clauses (4 to 22) and title passed.

Bill read a third time and passed.

GUARDIANSHIP OF INFANTS ACT AMENDMENT BILL

In Committee.

(Continued from November 5. Page 1709.)

Clause 3—"Interpretation."

The Hon. PETER DUNCAN (Attorney-General) moved:

In paragraph (*a*) to strike out "definition" and insert "definitions"; and to insert the following new definition:

"child born outside marriage" includes a child born to a married woman in consequence of sexual relations with a man other than her lawful spouse:;

Amendments carried; clause as amended passed.

Remaining clauses (4 to 12) and title passed.

Bill read a third time and passed.

SURVEYORS BILL

Adjourned debate on second reading.

(Continued from October 9. Page 1238.)

Mr. ALLISON (Mount Gambier): The important aspect of the Bill is, as was indicated in the Minister's second reading explanation, that its principal provisions are intended to ensure that a person who holds himself out to the public as being a surveyor fully qualified to perform the wide range of activities sought from the surveyors by the public is so qualified. The Bill also provides for the discipline of registered surveyors. Since seeking the adjournment of the debate, I have received deputations from and consulted with members of the Practising Surveyors' Association, the Association of Technician Surveyors, the Surveyor-General, and various other professionals. Earnest discussions were held in each instance, and it seems that the only point in contention lies in the use of the word "surveyor".

Following discussions with the Practising Surveyors' Association, I note that amendments which it sought to the draft legislation, following its study of it, have been

included in the Bill. Therefore, there will be no need to debate the points that arose from discussion with them. The Association of Technician Surveyors holds that it should have the right to use the term "surveyor". It points out that a meeting of the Institution of Surveyors, Australia, which was the 72nd meeting of the council, was held in Sydney on October 9 and October 10 this year. Mr. J. K. Barry was in the chair, and he is the President-elect of the Institution of Surveyors, Australia, and that gives him two-fold importance. At this meeting, part of the contention was that the institution would provide a forum and spiritual base for the professional sector and the Association of Technician Surveyors, with its membership structured to provide for those with lesser qualifications, should also be an integral part of the profession.

Mr. Barry, in recommending this two-fold structure, has recommended that use of the word "surveyor" in association with the term "technician surveyor" be a standard practice. The association is extremely concerned that it should be allowed to use the word "surveyor" as part of the title. It has not decided on any other word to replace it should it be compelled to use any other term. That meeting considered the South Australian Bill, and comments made at the meeting are as follows:

> The most sensitive area of potential dissension between the Association of Technician Surveyors and the Institution of Surveyors, Australia, centres around a specific section of the Bill. It occurs under Part IV, dealing with regulation of practice. Clause 25 (1) *(a)* provides that subject to this section, after the expiration of the third month next following the commencement of this Act, a person shall not (*a*) assume, either alone or in conjunction with any other words or letters, the name or title of "surveyor".

This matter concerns them greatly. They feel that it would be unfair for an Act to copyright a single word in the English language. Conversation with the Surveyor-General led me to the conclusive belief that he is opposed to any permission being given to the association to use the word "surveyor" in its title and advice from the Practising Surveyors Association gives some history of the use of the word in South Australia.

During the Second World War and after, many professional surveyors were actively engaged in military engineering projects, basic precise surveys, photogrammetry, and map production. These engagements became prominent in post-war years in civil practice. Today, the professional surveyor is concerned with practically every function involving precise measurements. In addition to his traditional role in cadastral (land) surveying, the professional surveyor includes broad planning and design of subdivisions, including layout and grading of roads, and other activities.

I will not go through the whole range of activities, but the association points out that entrance to the profession is now restricted to graduates of a recognised university or equivalent institute of learning, and in South Australia the Institute of Technology has offered the degree of Bachelor of Technology, Surveying, since 1957. The Bill before us operates only within the registered group. Therefore, only a suitably qualified person is registered as competent and subject to this statutory board and to its disciplines. Any person outside that registered group is not subject to discipline within the terms of the Statute.

There is nothing to stop any person from engaging as a surveyor, provided he avoids any areas prescribed as limited to a person registered as a surveyor under the South Australian Act. I personally do not believe that there is any fear that technician surveyors, whatever they may be called, would be put out of activity. In the Western world there are about eight technicians for every person holding a degree in the majority of professions. In Australia we have one technician to every person holding a degree in the majority of professions, although in the surveying profession I understand the margin is slightly better, being about 1.5 or 1.6 technicians for every person with a degree. There is still, in almost every profession, the need for far more technicians to be trained and employed.

In South Australia it appears that there is little doubt that the use of the word "surveyor" has been limited to persons who have the accepted academic qualifications—the professional standing—and that those who were not qualified as surveyors were not recognised as such. It would appear, too, that in South Australia there has been, on the part of a very- small minority of technician surveyors, some misrepresentation; so much so that in at least two cases people have seen fit to communicate with the Surveyor-General or others to the effect that some technician surveyor had misrepresented himself, giving the impression that he had the right to perform a survey, and then was unable to give the certificate required, for example, by a bank before any financial deals could be arranged as a result of the survey. This meant that the people who suffered in that way were then compelled to go to a professional registered or licensed surveyor to have the work done all over again, and to pay for the survey over again.

I have examined at great length the documentation from the various associations. It is my personal belief that the present legislation is a move towards professionalism, a move towards protecting the community, and that anyone who is a member of the Association of Technician Surveyors and who is capable of acquiring the qualification of surveyor would be quite able to do so. We have educational facilities within this State to enable him to progress, and I am sure the same facilities are available in the majority of other States.

> The Hon. J. D. CORCORAN (Deputy Premier) moved:
> That the sittings of the House be extended beyond 6 p.m.
> Motion carried.

Mr. ALLISON: There is evidence that within the Association of Technician Surveyors it is recognised that there should be a move towards a greater degree of professionalism, because there have been moves from within the association so that only members or senior members should be entitled to use the term "technician surveyor" as part of their title, and so that no junior or inexperienced members should use the title. The professional surveyors maintain that any person who is of sufficient qualification to be recognised as a member or a senior member of the association should equally find it relatively straightforward to extend his qualifications so that he can, in fact, become a professional surveyor.

Following a brief examination of the Bill itself, I wish to bring two points to the notice of the Minister. The first relates to clause 29 (2) (*b*). The present provision in the Act states that, on the Surveyors Disciplinary Committee, two members shall be registered surveyors nominated by the South Australian division, not being members of the board. There has been a tentative request that at least one of those two registered surveyors should also be a licensed surveyor, since it is believed that it would be fairer to have both a registered and a licensed surveyor sitting in judgment were there to be any disciplining of any member of the surveying profession. I had a personal misgiving regarding clause 40 (1), which provides:

> A registered surveyor or any person authorised in writing by a registered surveyor may at any reasonable hour enter any land for the purpose of performing a survey and be

accompanied by such other persons and do all such things as are reasonably necessary for that purpose.

It seemed to me that this was an intrusion on a person's privacy. However, in supporting the Bill and coming to the conclusion that the entire Bill was a move towards a high standard of professionalism, I dismissed my fears on the understanding that anyone who had such high professional ethics would not abuse this right of intrusion on people's privacy. I do not therefore intend to move any amendments to the Bill.

Finally, this Bill is a move towards professionalism. It protects members of the community who, when they see a person with the title of surveyor, may expect that he has all the professional qualifications and background to perform all the things one would normally expect a surveyor to perform, and there would not be the slightest suspicion that he would be anything other than what he pretended to be. For that reason, I support the Bill.

Mr. MILLHOUSE secured the adjournment of the debate.

PUBLIC FINANCE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

CONSTITUTION ACT AMENDMENT BILL (ELECTIONS)

Returned from the Legislative Council with amendments.

PRICES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

COMMUNITY CENTRES

The Legislative Council intimated that it had agreed to the House of Assembly's resolution.

PRISONS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 6.4 p.m. the House adjourned until Tuesday, November 11, at 2 p.m.